

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
November 17, 2020

A regular meeting of the Borough Council of the Borough of Rumson was held (virtually) on Tuesday, November 17, 2020 at 4:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Council President Atwell, Councilmen Casazza, Conklin, Kingsbery and Rubin.

Absent: Councilman Swikart.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks, Borough Engineer, was present.

Kendra Lelie, Borough Planner, was present.

Mayor Hemphill declared a quorum present and announced that the Notice Requirements of the Open Public Meetings Act have been met for this meeting by:

- The posting and mailing of a virtual meeting notice at least 48 hours in advance thereof to the *Asbury Park Press* and the *Two River Times*.
- The posting of the virtual meeting access information, and the meeting agenda, on the Borough of Rumson Website (www.rumsonnj.gov).

On motion by Councilman Rubin, seconded by Council President Atwell, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

EMAIL RECEIVED FROM THERESA CASAGRANDE, FAIR HAVEN BOROUGH ADMINISTRATOR REGARDING THE BOROUGH OF RUMSON'S INTERLOCAL SERVICE AGREEMENT FOR BRUSH DISPOSAL SERVICES.

The Municipal Clerk/Administrator received an email from Fair Haven Borough Administrator, Theresa Casagrande, in regard to the Fair Haven Borough Council's recent Resolution for brush disposal services. A Resolution was attached which stated that the Borough of Fair Haven plans to terminate the Interlocal Service Agreement for brush disposal services they currently have with the Borough of Rumson effective April 15, 2021.

Councilman Rubin made a motion to accept the communication. Council President Atwell seconded the motion and this communication was ordered received. All in favor.

LETTER RECEIVED FROM MAEVE DESMOND, PP, AICP OF INSITE ENGINEERING, LLC ADVISING THAT AN APPLICATION FOR A WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT, SPGP-19 AND FRESHWATER WETLANDS GENERAL PERMIT 19 HAS BEEN SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. PROPERTY LOCATION IS BLOCK 135, LOT 1 (35 SHREWSBURY DRIVE).

The Municipal Clerk/Administrator received a letter from Maeve Desmond, PP, AICP of Insite Engineering, LLC advising of an application for permits to the New Jersey Department of Environmental Protection. A Waterfront Development Individual Permit (SPGP-19) and a Freshwater Wetlands General Permit 19 have been requested. The property location for the request is Block 135, Lot 1 (35 Shrewsbury Drive).

Councilman Rubin made a motion to accept the communication. Council President Atwell seconded the motion and this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

INTRODUCTION OF ORDINANCE #20-007 G TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XIII STREETS AND SANITATION ORDINANCES IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XIII STREETS AND SANITATION ORDINANCES

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XIII (Streets and Sanitation) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend Chapter XIII (Streets and Sanitation) Section 2.1 *Definitions and Word Usage*, Section 2.3 *Application for Permit*, Section 2.4 *Review of Engineer*, Section 2.5 *Nonrefundable Permit Fees*, Section 2.7 *Performance Guarantees* and Section 2.9 *Permittee's Responsibilities*.

Chapter XIII (Streets and Sanitation) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is struck through and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter XIII, Streets and Sanitation, shall be amended to as follows:

§ 13-1 REGULATIONS CONCERNING STREETS

No Change.

§ 13-2 STREET EXCAVATION AND OCCUPANCY

§ 13-2.1 Definitions and Word Usage

For the purposes of this section, the following terms, phrases, words and their derivations shall

have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT through EXCAVATION WORK

No Change.

OCCUPANCY (TO OCCUPY)

Shall mean installing, placing or maintaining any facility not owned by the Borough within a public street, easement or right-of-way; encumbering or obstructing any public street, easement or right-of-way with any article or material or driving, causing to be driven or parking any vehicle over or upon any portion of any public street, easement or right-of-way, except over established paved roadways or driveways. The term "occupancy" shall also include the discharge of sump pumps, roof drains or area drains into any portion of the public storm drainage system or public right-of-way, either as a point source (e.g. piped) or as concentrated surface flow. The term "occupancy" shall also include the installation, operation, and maintenance of small cellular equipment and antennas within the public right-of-way.

PERMITTEE through STREET

No Change.

§ 13-2.2 Permit Required

No Change.

§ 13-2.3 Application for Permit

Applications for permits shall be made to the Borough Clerk and/or Borough Engineer. If a form is provided by the Borough Clerk and/or Borough Engineer, it shall be clearly and accurately completed. Whether or not a form is provided, the application shall contain a clear and definite description of the name, address and telephone number of the applicant; the name, address, telephone number and seven day, 24 hour emergency contact name(s) and telephone number(s) of contractor(s) (if not known at the time of application, this information must be provided before initiating any disturbance); the nature, scope, location, extent and purpose of the occupancy or excavation, together with the approximate size of any opening to be made; a sketch which clearly shows the location and dimensions of any proposed opening, the proposed dates of commencement and completion of the occupancy or excavation, which date shall be the expiration date of any permit issued pursuant to the application and such other data as may be reasonably required by the Borough Clerk, the Superintendent of Public Works and/or the Borough Engineer, including complete plan, profile and details of any proposed curb, sidewalk, pavement or other proposed improvement or structure being installed. For small cellular sites, the applicant shall provide the required information as found in Ordinance XXII Subsection 6.12.

§ 13-2.4 Review of Engineer Required

Applications for permits relating to the following matters may be referred to the Borough Engineer for investigation and recommendation before permits may be issued by the Municipal Clerk:

- a. through f.

No Change.

g. The proposed installation of small cellular sites within the County or Borough right-of-way.

§ 13-2.5 Nonrefundable Permit Fees

The following nonrefundable permit fees are established and shall be collected by the Borough Clerk before issuing a permit:

a. through g.

No Change.

h. The proposed installation of small cellular sites within the County or Borough right-of-way \$5,000, plus \$2,000 for each additional location up to five (5) locations, plus \$1,000 for each location thereafter.

§ 13-2.6 Refundable Fees

No Change.

§ 13-2.7 Performance Guarantees

a. Permits shall not be issued unless a cash repair deposit or satisfactory performance guarantee has been provided by the applicant.

b. Cash repair deposits shall be:

1. Disturbance area:

- (a) Less than 100 square feet: \$1,000.
- (b) 100 square feet, but less than 500 square feet: \$2,000.
- (c) 500 square feet or more: \$2,000 plus \$5 per square foot for each square foot in excess of 500.
- (d) Maximum bond cash posting: \$5,000.

2. (Reserved)

3. In case of disturbance of other improvements such as drainage, sidewalks, drives or utilities, the Borough Clerk shall determine in each case the amount of cash repair deposit sufficient to allow the Borough to perform all repairs and restorations. The Clerk may request an estimate from the Borough Engineer or other appropriate officials.

4. In the case of small cellular equipment and antenna installations, a \$10,000 performance bond shall be posted with the Borough Clerk prior to the Road Opening Permit being released to the applicant for applications of five (5) locations or less. For applications of six (6) or more equipment locations, an additional \$1,000 per location shall be posted in addition to the initial \$10,000 performance bond. Upon completion of the work, the Borough Engineer will evaluate the completed improvements and recommend the release of the performance bond to the Borough Council. A two (2) year maintenance bond will be required for 50% of the original performance bond.

c. If a required cash repair deposit exceeds \$2,500 or if the annual aggregate of cash repair deposits required of a single applicant exceeds \$10,000 or if the applicant is a regulated public utility, then the Borough Clerk may accept, in lieu of a cash repair deposit, a performance guarantee in the form of a surety bond or other adequate guarantee acceptable to the Borough Council. If a surety bond is accepted it shall be at least 150% of the greater of the required cash repair deposit or the estimated cost of restoration.

- d. 50% of a cash repair deposit shall be released upon completion of all restoration. The balance shall be released one year later if there are no restoration deficiencies. Surety bonds or other non-cash guarantees shall not be released until one year after restoration is complete.

§ 13-2.8 Waiver of Fees and Performance Guarantees

No Change.

§ 13-2.9 Permittee's Responsibilities

In addition to conforming with any other applicable Federal, State, county or municipal regulations, permittee shall assume the responsibility described in this section and shall take all actions necessary to properly execute these responsibilities:

- a. through k.

No Change.

- l. The Permittee shall provide certified mailing notice to property owners within 200’ of the proposed small cellular equipment and antenna location (s). A copy of the certified mailing receipts shall be provided to the Borough.

§ 13-2.10 Restrictions through § 13-2.24 Persons Exempt

No Change.

§ 13-3 SIGNS through 13-7 CLEAN COMMUNITIES PROGRAM

No Change.

SECTION 2.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3.

This ordinance shall take effect upon final passage and publication according to law.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-008 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS**

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations relating to Section 22-3, Administration, Subsection 22-3.14 Fees, to amend permit fees, Section 22-5, Zoning District Regulation, Subsection 22-5.3 Permitted and Prohibited Uses, adding municipal terms, Section 22-6, Conditional Uses, adding Subsection 22-6.12 Small Cellular Sites, and Section 22-7, General Zoning Provisions, Subsection 22-7.7 Yard Areas, Building Orientation and Fenestration to amend generator kilowatts, Subsection 22-7.24 Signs, making provisions for Digital Message Display Signs (LED).

Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

That Chapter XXII, Development Regulations, shall be amended as follows:

§ 22-1 TITLE AND PURPOSE through § 22-2 DEFINITIONS

No Changes.

§ 22-3 ADMINISTRATION

§ 22-3.1 Planning Board through § 22-3.13 Copy to Be Filed with County Planning Board

No Changes.

§ 22-3.14 Fees

The developer shall, at the time of filing an application, pay a nonrefundable fee to the Borough of Rumson by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's Office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein.

a. Application for Development (Zoning) Permit:

1. ~~Construction, erection, alteration, repair, remodeling, conversion, removal or destruction of any building or structure: \$50.00~~ Residential: \$50.00

~~2. Other activities such as: fences, walls, generators, air conditioning units, etc.: \$25.00~~
Commercial: \$100.00

b. Minor Subdivision Approval through bb. Stormwater Management and Control Fees.

No Changes.

§ 22-4 **PROCEDURE**

No Changes.

§ 22-5 **ZONING DISTRICT REGULATIONS**

§ 22-5.1 **Zoning Map and Schedule** through § 22-5.2 **Description of Districts**

No Changes.

§ 22-5.3 **Permitted and Prohibited Uses**

- a. Any use, except for municipal essential services, or municipal park/recreation space or municipal open space, which is not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use.
- b. Prohibited uses shall include but not be limited to the following:
 1. through 29.

No Changes.

§ 22-5.4 **Regulations Controlling the R-1 Residential Zone District** through § 22-5.15 **Mixed-Use Overlay Zone**

No Changes.

§ 22-6 **CONDITIONAL USES**

§ 22-6.1 **Purpose** through § 22-6.11 **Wireless Telecommunications Towers, Antennas, and Transmission Facilities on Non-Municipal Property**

No Changes.

§ 22-6.12 **Small Cellular Sites**

- a. Purpose. With ever changing cellular technology and the need for broadband internet access increasing, the purpose of these regulations for the siting of small cellular equipment and antennas is to:
 1. Protect residential areas and land uses from the potential adverse impacts of small cellular equipment and antennas;
 2. Encourage the location of small cellular equipment and antennas in appropriate locations;
 3. Minimize the total number of small cellular equipment and antennas throughout the community;
 4. Strongly encourage the joint use of small cellular equipment and antennas as a primary option rather than construction of additional single use elements;

5. Encourage the implementation of small cellular equipment and antennas to locate them, to the greatest extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage the implementation of small cellular equipment and antennas in a way that minimizes the adverse visual impact of the small cellular equipment and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Consider the public health and safety of small cellular equipment and antennas; and
9. Avoid potential damages to adjacent properties from small cellular equipment and antennas failures through engineering and careful siting of small cellular equipment and antennas.

In furtherance of these goals, the Borough of Rumson shall give due consideration to the Borough Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of small cellular equipment and antennas.

b. Design. The design of small cellular equipment and antennas shall comply with Ordinance Section 22-6.11 Wireless Telecommunications Towers, Antennas, and Transmission Facilities on Non-Municipal Property and Ordinance Section 22-7.34 Wireless Telecommunications Towers, Antennas, and Transmission Facilities as applicable, unless otherwise stated herein.

1. No small cellular equipment and antenna shall be installed within a Borough or County Right-Of-Way without the issuance of a Borough Road Opening Permit.
2. Siting small cellular equipment and antennas, when utilities are aerial:
 - i) No small cellular antenna shall be taller than thirty five (35) feet or 110% of the height of poles in the surrounding streetscape, whichever is less;
 - ii) No small cellular equipment and antenna shall be located closer than eighteen (18) inches behind the face of curb or edge of pavement;
 - iii) Small cellular equipment and antenna shall not adversely impact the accessible route of a public sidewalk existing or proposed;
 - iv) Small cellular equipment and antenna shall use an existing utility pole or replace an existing utility pole. No new pole shall be installed;
 - v) Small cellular equipment and antenna shall be located on the same side of a street as the existing overhead utilities;
 - vi) Small cellular equipment and antenna shall be located where property lines abut or on side property lines of corner lots to the greatest extent possible;
 - vii) Small cellular equipment and antenna shall not impact sight distances from public or private streets, driveways, or parking lots.
3. Siting small cellular equipment and antennas, when utilities are underground:
 - i) No small cellular antenna shall be taller than thirty five (35) feet;
 - ii) No small cellular equipment and antenna shall be located closer than eighteen (18) inches behind the face of curb or edge of pavement;
 - iii) Small cellular equipment and antenna shall not adversely impact the accessible route

of a public sidewalk existing or proposed;

- iv) Small cellular equipment and antenna shall be located where property lines abut or on side property lines of corner lots to the greatest extent possible;
- v) Small cellular equipment and antenna shall not impact sight distances from public or private streets, driveways, or parking lots.

4. Ground Mounted Equipment

- i) All ground mounted equipment shall be located outside the 500-year Special Flood Hazard Areas as delineated on the FEMA Flood Insurance Rate Maps currently adopted by the Borough of Rumson.
- ii) All ground mounted equipment shall be located in an enclosed cabinet. Only an electric utility meter shall be mounted outside the equipment enclosure.
- iii) Ground mounted equipment shall be screened from public view with site appropriate landscape buffering. Refer to Ordinance Sections 22-8.2.f Landscape Design and 22-8.4 Design Standards - Landscaping for landscape design standards.
- iv) All ground mounted equipment shall be treated in an all-weather, long lasting paint which is aesthetically congruent with the surrounding environment.
- v) All ground mounted equipment shall not impact sight distances from public or private streets, driveways, or parking lots.
- vi) All ground mounted equipment shall not exceed 6'-6" in overall height as measured from existing ground surface.

5. Pole Mounted Antenna & Equipment

- i) A single antenna shall not exceed three (3) cubic feet in volume;
- ii) Multiple antennas on a single pole shall not exceed six (6) cubic feet in volume;
- iii) Equipment cabinets mounted on single pole shall not exceed twelve (12) cubic feet in volume;
- iv) All pole mounted elements shall be finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, as to blend in compatibility with its background and so as to minimize its visual impact on surrounding properties;
- v) All pole mounted elements shall not impact sight distances from public or private streets, driveways, or parking lots;
- vi) All pole mounted elements shall not impact the accessible route of a public sidewalk existing or proposed;
- vii) The applicant shall provide a certification from a New Jersey Licensed Professional Engineer attesting the pole is structurally suitable to carry the proposed equipment loads. The certification shall include the utility pole number as delineated in the field.

§ 22-7 GENERAL ZONING PROVISIONS.

§ 22-7.1 **Purpose** through § 22-7.6 **Frontage on Improved Street Required**

No Changes.

§ 22-7.7 **Yard Areas, Building Orientation, and Fenestration**

a. through j.

No Changes.

- k. Generators shall: 1) be provided with a sound attenuation enclosure properly designed by the generator manufacturer for both adequate airflow as well as significant sound reduction and shall have a critical muffler unless waived by the administrative officer (Zoning Officer) who may require certification of sound levels; 2) not be located between a principal structure (or the projection of the face of a principal structure) and any street; 3) conform to the minimum setback requirements for principal structures for all generators greater than ~~22~~ 24 kW or conform to the minimum setback requirements for accessory structures for all generators ~~22~~ 24 kW or smaller; and 4) be located entirely within twenty-five (25') feet of the principal structure; or waived by the administrative officer (Zoning Officer) for an alternate location that meets the required accessory or principal setback (Example: Unit located by detached garage); and 5) be screened when viewed from immediately adjoining properties, public streets, and/or river frontages in accordance with subsections 22-7.25 and 22-7.32.
- l. Permanently installed above ground utility equipment, including but not limited to air conditioners, irrigation pumps and wells, electrical transformers and water supply valves, shall be screened when viewed from immediately adjoining properties, public streets, and/or river frontages in accordance with subsections 22-7.25 and 22-7.32 unless waived by the administrative officer (Zoning Officer).

§ 22-7.24 Signs.

All signs shall conform to the provisions of this section and to the applicable requirements of the New Jersey Uniform Construction Code.

b. General Objectives through c. General Standards.

No Changes.

d. Permitted Signs.

1. Exempt Signs. The following signs shall be exempt from the requirement of obtaining a development permit:

(a) through (w)

No Changes.

(x) Digital Message Display Signs (LED) at public educational institutions.

2. Exempt Sign(s) Limitations.

(a) through (d)

No Changes.

(e) Digital Message Display Signs or Marquee Signs at public educational institutions shall adhere to the following limitations:

- a. The minimum pitch (LED Resolution) shall be an 8mm or better regardless of viewing

distance.

- b. The LED display shall be encased in an enclosure architecturally congruent with the principal structure.
- c. The use of the colors green or red, of any shade, cannot exceed 50 percent of a display's capacity, during the duration of any individual slide, due to conflicts with vehicular traffic.
- d. The minimum rate of slide changes shall not be less than 7 seconds per slide.
- e. The sign shall not adversely impact sight distances from public or private streets, driveways, or parking lots.
- f. The sign shall be installed outside of the municipal right-of-way.
- g. Each entity shall be permitted one digital message display per property.
- h. Digital Message Display signs are otherwise prohibited in all zones.

- 3. Regulated Signs. Permitted signs which are not exempt are regulated signs. They shall meet the requirements of this section, the Schedule of Sign Regulations and the zone district regulations.

§ 22-7.25 Fences and Walls through § 22-7.39 Basements/Cellars

No Changes.

§ 22-8 DESIGN GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND SITE PLANS through § 22-12 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED

No Changes.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

At this time, Borough Planner Kendra Lelie addressed the Mayor and Councilmembers. She stated that there are nine Ordinances being introduced at this meeting which are consistent with the Borough's Affordable Housing element and Fair Share Housing plan which have been approved by Judge Grasso Jones in the Court on July 29, 2020. The Ordinances have been vetted by the Master for Judge Grasso Jones as well as Fair Share Housing. Five are overlay Ordinances, one is for a 100% Affordable Housing project and the last two are inclusionary. Ms. Lelie stated that any questions or comments will be taken at Public Hearing on the 15th.

Mr. Rogers added that the Ordinances will be posted up on website in the Affordable Housing page in the next day or so and there are actually ten of the Ordinances all together.

INTRODUCTION OF ORDINANCE #20-009 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII "DEVELOPMENT REGULATIONS" ORDINANCES TO CREATE THE FAITH INSTITUTION INCLUSIONARY OVERLAY DISTRICT (FIIO) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII "DEVELOPMENT REGULATIONS", TO CREATE THE FAITH INSTITUTION INCLUSIONARY OVERLAY DISTRICT (FIIO)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.16 Faith Institution Inclusionary Overlay District (FIIO) as an additional overlay district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.16 (Faith Institution Inclusionary Overlay District (FIIO) shall be added as follows:

22-5.16 Faith Institution Inclusionary Overlay District (FIIO)

a. Purpose: The Borough adopts this ordinance to advance the following objectives:

1. To find ways for a developed community to balance "legitimate zoning and planning objectives" with the need and constitutional obligation to provide affordable housing.

2. To attempt to channel affordable housing in the areas of the Borough that are best suited to accommodate affordable housing.
 3. To address its affordable housing unmet need obligation, the Borough shall implement a Residential Overlay Inclusionary Zone Ordinance that creates a realistic opportunity for housing in the Borough that is affordable to very low, low- and moderate-income households. This Ordinance establishes the Faith Institution Inclusionary Overlay District (FIIO), and permits the creation of multi-family housing within the underlying zoning districts provided that such housing complies with a required inclusionary set-aside requirement and with the requirements of this ordinance.
- b. Location. The Faith Institution Inclusionary Overlay District (FIIO) is applicable to:
1. Holy Cross Church (Block 104, Lot 1.01)
 2. First Presbyterian Church (Block 10, Lot 6)
 3. Congregation B’Nai Israel (Block 81, Lot 6)
- c. Permitted uses. The following uses shall be permitted in the Faith Institution Inclusionary Overlay District (FIIO):
1. Multi-family housing including townhouses, duplexes, triplexes and quads.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the FIIO District provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear yard:
1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
 2. Surface parking area and garages.
 3. Swimming pools, clubhouses, child play areas, tennis courts, and basketball courts.
- e. Development Standards
1. Minimum lot size: 1 acre
 2. Maximum density: 6 du/acre for Block 104, Lot 1.01 and Block 81, Lot 6
8 du/acre for Block 10, Lot 6
 - a. Calculations resulting in a partial unit shall be rounded down to the next whole number.
 3. Maximum height: 2 ½ stories or 35 feet
 4. Units shall be provided within a primary structure(s) with the front façade facing the public-right-of way.
 5. Minimum front yard setback shall not be less than the prevailing setback of dwellings within 200 feet along the street right-of-way.
 6. 90% of required parking shall be provided within an enclosed garage;
 7. Parking not located within an enclosed garage shall be fully screened with a four (4) foot wall.

8. Garages shall not face the public right-of-way without an intervening building between the garage and the public right-of-way.
9. Front-loaded townhouses are prohibited.
10. Maximum building coverage and lot coverage shall be in compliance with Schedule 5.4 AHO. FAR requirements shall not apply to inclusionary development in the overlay zoning district.
11. Maximum dwelling units in one building shall not exceed eight (8).
12. A minimum 40-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.
13. Open spaces shall include at a minimum central open space for passive and active uses. Stormwater facilities shall not impede function of open space.
14. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
15. Refuse disposal shall be contained within the buildings. No outside refuse disposal area is permitted.
16. Building Design.
 - a. The primary building(s) shall be designed to present as a single-family residential structure that contains a consistent façade in terms of architectural style and materials throughout the entire building.
 - b. The second-floor habitable area shall not exceed 90% of the first-floor area.
 - c. The third-floor area habitable shall not exceed 30% of the second-floor.
 - d. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the R-1, R-2 and R-4 zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - e. If more than one primary structure is proposed, the architecture of each primary structure shall be compatible but different from one another in terms of style, materials or layout.
 - f. All HVAC and mechanical equipment shall be adequately screened from view.
17. Affordable Housing.
 - a. Project will deliver an on-site affordable housing set-aside of twenty percent (20%). Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable

Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.

- b. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of $\frac{1}{2}$ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than $\frac{1}{2}$, the fraction shall be rounded down to the previous whole unit.
- c. Any fractional affordable housing requirement that is less than $\frac{1}{2}$ and rounded down shall be addressed by either the developer providing the affordable unit or by making a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable housing unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.
- d. Said affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with bedroom distribution requirements, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and construction phasing with the market rate units developed on the tract as is required by N.J.A.C. 5:93-5.6(d).
- e. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site or off-site affordable unit, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-010 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 2 (ROI-2) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 2 (ROI-2)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.17 Residential Overlay Inclusionary District 2 (ROI-2) as an additional overlay district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.17 (Residential Overlay Inclusionary District 2 (ROI-2) shall be added as follows:

22-5.17 Residential Overlay Inclusionary-2 Zone

a. Purpose: The Borough adopts this ordinance to advance the following objectives:

1. To find ways for a developed community to balance “legitimate zoning and planning objectives” with the need and constitutional obligation to provide affordable housing.

2. To attempt to channel affordable housing in the areas of the Borough that are best suited to accommodate affordable housing.
 3. To address its affordable housing unmet need obligation, the Borough shall implement a Residential Overlay Inclusionary Zone Ordinance that creates a realistic opportunity for housing in the Borough that is affordable to very low, low- and moderate-income households. This Ordinance establishes the Residential Overlay Inclusionary 2 Zone, and permits the creation of multi-family housing within the ROI-2 Residential Zone provided that such housing complies with a required inclusionary set-aside requirement and with the requirements of this ordinance.
- b. Location. The Residential Overlay Inclusionary 2 District is applicable to Blocks/Lots in the R-2 Residential Zone as follows: Block 95 Lots 1.01, 1.03, 2, 5, 6 and 9, and Block 104 Lot 2.
- c. Permitted uses. The following uses shall be permitted in the Residential Overlay Inclusionary 2 District:
1. Multi-family housing including townhouses, duplexes, triplexes and quads.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the ROI 2 District provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear yard:
1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
 2. Surface parking area and garages.
 3. Swimming pools, clubhouses, child play areas, tennis courts, and basketball courts.
- e. Development Standards
1. Minimum lot size: 3 acres
 2. Maximum density:
 - a. 3 du/acre provided the affordable housing set-aside shall equal that which is required if a density of 6 dwelling units per acre is applied provided the Borough provides a financial subsidy to build the additional affordable housing units beyond those provided by the developer at a density of 3 dwelling units per acre but required to meet the set-aside associated with a 6 dwelling units per acre density.
 - b. 6 du/acre provided the Borough does not provide a financial subsidy to aid in providing a set-aside equal to that which is required in Section 25-5.17 (e.2.a) above.
 - c. Calculations resulting in a partial unit shall be rounded down to the next whole number.
 3. Units shall be provided within a primary structure(s) with the front façade facing the public-right-of way.
 4. Minimum front yard setback shall not be less than the prevailing setback of dwellings within 200 feet to either side along the street right-of-way.
 5. 90% of required parking shall be provided within an enclosed garage;

6. Parking not located within an enclosed garage shall be fully screened with a four (4) foot wall.
7. Garages shall not face the public right-of-way without an intervening building between the garage and the public right-of-way.
8. Front-loaded townhouses are prohibited.
9. Maximum building coverage and lot coverage shall be in compliance with Schedule 5.4 AHO. FAR requirement shall not apply to inclusionary development in the overlay zoning district.
10. Maximum dwelling units in one building shall not exceed eight (8).
11. A minimum 40-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.
12. Open spaces shall include at a minimum central open space for passive and active uses. Stormwater facilities shall not impede function of open space.
13. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
14. Refuse disposal shall be contained within the buildings. No outside refuse disposal area is permitted.
15. Building Design.
 - a. The primary building(s) shall be designed to present as a single-family residential structure that contains a consistent façade in terms of architectural style and materials throughout the entire building.
 - b. The second-floor habitable area shall not exceed 90% of the first-floor area.
 - c. The third-floor habitable area shall not exceed 30% of the second-floor area.
 - d. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the R-2 zoning district. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - e. If more than one primary structure is proposed, the architecture of each primary structure shall be compatible but different from one another in terms of style, materials or layout.
 - f. All HVAC and mechanical equipment shall be adequately screened from view.
16. Affordable Housing.
 - a. The project shall have a set-aside of twenty percent (20%) for affordable housing. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of

Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.

- b. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of $\frac{1}{2}$ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than $\frac{1}{2}$, the fraction shall be rounded down to the previous whole unit.
- c. Any fractional affordable housing requirement that is less than $\frac{1}{2}$ and rounded down shall be addressed by either the developer providing the affordable unit or by making a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.
- d. Said affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with bedroom distribution requirements, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough’s Affordable Housing Ordinance, and construction phasing with the market rate units developed on the tract as is required by N.J.A.C. 5:93-5.6(d).
- e. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site or off-site affordable unit, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted

with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-011 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 4 (ROI-4) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 4 (ROI-4)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.18 Residential Overlay Inclusionary District-4 (ROI-4) as an additional overlay district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.18 Residential Overlay Inclusionary District-4 (ROI-4) shall be added as follows:

22-5.18 Residential Overlay Inclusionary-4 Zone

- a. Purpose: The Borough adopts this ordinance to advance the following objectives:

1. To find ways for a developed community to balance “legitimate zoning and planning objectives” with the need and constitutional obligation to provide affordable housing.
 2. To attempt to channel affordable housing in the areas of the Borough that are best suited to accommodate affordable housing.
 3. To address its affordable housing unmet need obligation, the Borough shall implement a Residential Overlay Inclusionary Zone Ordinance that creates a realistic opportunity for housing in the Borough that is affordable to very low, low- and moderate-income households. This Ordinance establishes the Residential Overlay Inclusionary 4 (ROI-4) Zone, and permits the creation of multi-family housing within the ROI-4 Residential Zone provided that such housing complies with a required inclusionary set-aside requirement and with the requirements of this ordinance.
- b. Location. The Residential Overlay Inclusionary 4 District is applicable to Blocks/Lots in the R-4 Residential Zone as follows: Block 100, Lots 11, 16 and 17.
- c. Permitted uses. The following uses shall be permitted in the Residential Overlay Inclusionary 4 District:
1. Multi-family housing including townhouses, duplexes, triplexes and quads.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the ROI-4 District provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear yard:
- i. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
 - ii. Surface parking area and garages.
 - iii. Swimming pools, clubhouses, child play areas, tennis courts, and basketball courts.
- e. Development Standards
1. Minimum lot size: 1 acre
 2. Maximum density: 8 du/acre
 - a. Calculations resulting in a partial unit shall be rounded down to the next whole number.
 3. Units shall be provided within a primary structure(s) with the front façade facing the public-right-of way.
 4. Minimum front yard setback shall not be less than the prevailing setback of dwellings within 200 feet to either side along the street right-of-way.
 5. 90% of required parking shall be provided within an enclosed garage;
 6. Parking not located within an enclosed garage shall be fully screened with a four (4) foot wall.
 7. Garages shall not face the public right-of-way without an intervening building between the garage and the public right-of-way.
 8. Front-loaded townhouses are prohibited.

9. Maximum building coverage and lot coverage shall be in compliance with Schedule 5.4 AHO. FAR requirements shall not apply to inclusionary development in the overlay zoning district.
10. Maximum dwelling units in one building shall not exceed eight (8).
11. A minimum 40-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.
12. Open spaces shall include at a minimum central open space for passive and active uses. Stormwater facilities shall not impede function of open space.
13. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
14. Refuse disposal shall be contained within the buildings. No outside refuse disposal area is permitted.
15. Building Design.
 - a. The primary building(s) shall be designed to present as a single-family residential structure that contains a consistent façade in terms of architectural style and materials throughout the entire building.
 - b. The second-floor habitable area shall not exceed 90% of the first-floor area.
 - c. The third-floor habitable area shall not exceed 30% of the second-floor area.
 - d. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the R-4 zoning district. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - e. If more than one primary structure is proposed, the architecture of each primary structure shall be compatible but different from one another in terms of style, materials or layout.
 - f. All HVAC and mechanical equipment shall be adequately screened from view.
16. Affordable Housing.
 - a. Project will deliver an on-site affordable housing set-aside of twenty percent (20%). Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.

- b. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of $\frac{1}{2}$ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than $\frac{1}{2}$, the fraction shall be rounded down to the previous whole unit.
- c. Any fractional affordable housing requirement that is less than $\frac{1}{2}$ and rounded down shall be addressed by either the developer providing the affordable unit or by making a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.
- d. Said affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with bedroom distribution requirements, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and construction phasing with the market rate units developed on the tract as is required by N.J.A.C. 5:93-5.6(d).
- e. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site or off-site affordable unit, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-012 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 5 (ROI-5) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE RESIDENTIAL OVERLAY INCLUSIONARY DISTRICT - 5 (ROI-5)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.19 Residential Overlay Inclusionary District 5 (ROI-5) as an additional overlay district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.19 Residential Overlay Inclusionary District 5 (ROI-5) shall be added as follows:

22-5.19 Residential Overlay Inclusionary-5 Zone

- a. Purpose: The Borough adopts this ordinance to advance the following objectives:
 1. To find ways for a developed community to balance “legitimate zoning and planning objectives” with the need and constitutional obligation to provide affordable housing.
 2. To attempt to channel affordable housing in the areas of the Borough that are best suited to accommodate affordable housing.
 3. To address its affordable housing unmet need obligation, the Borough shall implement a Residential Overlay Inclusionary Zone Ordinance that creates a realistic opportunity for housing in the Borough that is affordable to very low, low- and moderate-income households. This Ordinance establishes the Residential Overlay Inclusionary 5 (ROI-5) Zone, and permits the creation of multi-family housing within

the ROI-5 Residential Zone provided that such housing complies with a required inclusionary set-aside requirement and with the requirements of this ordinance.

b. Location. The Residential Overlay Inclusionary 5 District is applicable to Blocks/Lots in the R-5 Residential Zone as follows: Block 60, Lots 6, 7, 8, 9, 10, 11.01, 12.01, 13, 14

c. Permitted uses. The following uses shall be permitted in the Residential Overlay Inclusionary 5 District:

1. Multi-family housing including townhouses, duplexes, triplexes and quads.

d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the ROI-5 District provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear yard:

1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
2. Surface parking area and garages.
3. Swimming pools, clubhouses, child play areas, tennis courts, and basketball courts.

e. Development Standards

1. Minimum lot size: 1 acre
2. Maximum density: 12 du/acre
 - a. Calculations resulting in a partial unit shall be rounded down to the next whole number.
3. Units shall be provided within a primary structure(s) with the front façade facing the public-right-of way.
4. Minimum front yard setback shall not be less than the prevailing setback of dwellings within 200 feet along the street right-of-way.
5. 90% of required parking shall be provided within an enclosed garage;
6. Parking not located within an enclosed garage shall be fully screened with a four (4) foot wall.
7. Garages shall not face the public right-of-way without an intervening building between the garage and the public right-of-way.
8. Front-loaded townhouses are prohibited.
9. Maximum building coverage and lot coverage shall be in compliance with Schedule 5-5 AHO. FAR requirements shall not apply to inclusionary development in the overlay zoning district
10. Maximum dwelling units in one building shall not exceed eight (8).
11. A minimum 40-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.
12. Open spaces shall include at a minimum central open space for passive and active uses. Stormwater facilities shall not impede function of open space.

13. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
14. Refuse disposal shall be contained within the buildings. No outside refuse disposal area is permitted.
15. Building Design.
 - a. The primary building(s) shall be designed to present as a single-family residential structure that contains a consistent façade in terms of architectural style and materials throughout the entire building.
 - b. The second-floor habitable area shall not exceed 90% of the first-floor area.
 - c. The third-floor habitable area shall not exceed 30% of the second-floor area.
 - d. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the R-5 zoning district. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - e. If more than one primary structure is proposed, the architecture of each primary structure shall be compatible but different from one another in terms of style, materials or layout.
 - f. All HVAC and mechanical equipment shall be adequately screened from view.
16. Affordable Housing.
 - a. Project will deliver an on-site affordable housing set-aside of twenty percent (20%). Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.
 - b. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of $\frac{1}{2}$ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than $\frac{1}{2}$, the fraction shall be rounded down to the previous whole unit.
 - c. Any fractional affordable housing requirement that is less than $\frac{1}{2}$ and rounded down shall be addressed by either the developer providing the affordable unit or by making a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the

anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable housing unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.

- d. Said affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with bedroom distribution requirements, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and construction phasing with the market rate units developed on the tract as is required by N.J.A.C. 5:93-5.6(d).
- e. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site or off-site affordable unit, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

- In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.
- In the negative: None.
- Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-013 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES REGARDING THE REQUIREMENTS FOR THE MIXED-USE AND MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, AMENDING THE REQUIREMENTS FOR THE MIXED-USE AND MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

PURPOSE

The purpose of this Ordinance is to replace regulations and standards governing the development of mixed-use and multi-family housing developments, which will include a required on-site affordable housing component, in the Borough’s GB, NB and POB Zones. The ordinance is designed to regulate said mixed-use and multi-family housing developments in a manner consistent with Borough’s Affordable Housing Ordinance, the Borough’s Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.15 Mixed-Use Overlay Zone of the code of the Borough of Rumson shall be amended as follows:

22-5.15 Mixed-Use and Multi-Family Overlay Zone

- a. Purpose. The Mixed-Use Overlay Zone is intended to promote development that supports, and is consistent with, the commercial development pattern in the underlying district, and to accommodate multi-family housing in a location that can address the housing needs and preferences of market rate and affordable households, and which also supports the underlying district.
- b. Location. The Mixed Use Overlay Zone is a mixed-use overlay option in the Borough’s GB (General Business), NB (Neighborhood Business), POB (Professional Office Business) Zones and in the R-5 zone Block 3 Lots 1.01, 3, 4, 5, 6, 7 and Block 4 Lots 1, 2, 3, 4.01, 4.02, 6, 7, 8.01, 9.01.

Within the overlay zone district, the development of a new mixed-use development, with a required on-site affordable housing component, or the conversion of an existing non-residential use to a mixed-use development, with a required on-site affordable housing component, is permitted as an option to the uses otherwise permitted in the GB, NB, POB Zones or specified lots in the R-5 Zone.

c. Permitted uses. The following uses shall be permitted in the Mixed-Use Overlay District:

1. All uses permitted in the underlying zone;
2. ~~Mixed-use development including inclusionary~~ Inclusionary multi-family residential units provided:
 - i. The minimum affordable housing set-aside is met;
 - ii. All affordable housing units produced comply with the Borough's Affordable Housing Ordinance.

3. Inclusionary multi-family dwellings provided:

- i. The minimum affordable housing set-aside is met;
- ii. All affordable housing units produced comply with the Borough's Affordable Housing Ordinance.

d. General Requirements and Conditions. Mixed-use multi-family residential units shall be permitted in the Mixed-Use Overlay Zone, provided that the use and building shall adhere to the following minimum standards and conditions:

1. All standards and requirements in the underlying GB, NB and POB Zones (subsections 22-5.10, 5.11 and 5.12) shall be met, except as otherwise modified by this section.

2. Height: Mixed-use buildings ~~constructed will not be higher than the maximum building height for the applicable zoning district.~~ and multi-family buildings shall not exceed 3-stories or 35 feet provided:

- i. The third story is setback a minimum of 10 feet from any façade facing a public right-of-way or is adjacent to a single-family residence of the building;
- ii. Rooftop appurtenances including architectural features such as spires, cupolas, domes, and belfries, are permitted to exceed the listed maximum height, as long as they are uninhabited, their highest points are no more than 15 feet above the maximum overall height of the building, and as long as the total area enclosed by the outer edges of the appurtenances, measured at the maximum overall height of the building, does not exceed 15 percent of the total horizontal roof area of the building.
- iii. Stairs and elevator penthouses that project above the maximum overall height of the building shall count toward the 15 percent allowance. Equipment screens which project above the maximum overall height of the building shall also count toward the above 15 percent allowance.
- iv. Mechanical equipment shall be set back from all building facades by at least 10 feet and screened.
- v. Parapet walls are permitted up to five feet in height, as measured from the maximum height limit, or finished level of roof. A guardrail with a surface of at least 70 percent

open or with opacity of not more than 30 percent (as viewed in elevation) shall be permitted above a parapet wall or within two feet of a parapet wall, provided that such guardrail is not more than four feet in height. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements.

3. Density: If a mixed-use project is being constructed with residential units, the maximum density for residential uses shall be ten (10) dwelling units per acre. The maximum density for a multi-family development shall not exceed twelve (12) dwelling units per acre.
4. Affordable Housing Set-Aside: For projects less than three total units, the developer will be responsible for paying a residential development fee under the Borough's Development Fee Ordinance for each unit created. For projects that are 3, 4 or 5 total units, the developer will ensure that at least one affordable unit is delivered on-site. For projects of five or more units, such projects will deliver an on-site affordable housing set-aside of ~~fifteen percent (15%) for rental projects,~~ twenty percent (20%) ~~for for-sale projects.~~ Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.
5. Income Distribution of Affordable Units: The income distribution for the affordable units in each project shall be as follows: no more than fifty percent (50%) within each bedroom distribution may be moderate income units, at least thirty-seven percent (37%) within each bedroom distribution shall be low income units and at least thirteen percent (13%) within each bedroom distribution shall be very low income units.
6. Parking: On-site parking must be provided for all uses on site in accordance with Borough standards or if applicable, in accordance with RSIS standards.
7. Affirmative Marketing of Affordable Units: The affordable units must be affirmatively marketed to the housing region in accordance with COAH's regulations and subsection 22:7.35, Affirmative Marketing of Affordable Housing Units.
8. Affordable Housing Ordinance Requirements: The provisions of Chapter 23 subsection 22-7.36, Affordable Housing Developments, shall apply to mixed-use and multi-family affordable housing developments, including, but not limited to, the UHAC required bedroom mix: At least twenty percent (20%) of the affordable units in each project shall be three bedroom units; at least, but not more than, twenty percent (20%) of the affordable units in each project shall be efficiency and one bedroom units; at least thirty percent

(30%) of the affordable units in each project shall be two bedroom units; the balance may be two or three-bedroom units, at the discretion of the developer.

- f. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of ½ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than ½, the fraction shall be rounded down to the previous whole unit.
- g. Any fractional affordable housing requirement shall be addressed by a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.

- 9. Deed Restriction of Affordable Units: The developer shall have an obligation to deed restrict the affordable units in any project as very low, low or moderate income affordable units for a period of at least thirty (30) years, until such time and under such conditions as the Borough takes action to release the deed restriction, so that the Borough may count the affordable units against its affordable housing obligation.

10. Bulk Requirements:

- i. Townhouse minimum lot size: 2,000 square feet
- ii. A maximum of six (6) townhouses is permitted per building.
- iii. Maximum building coverage and lot coverage shall comply with Schedule 5.5 AHO.

11. Design Standards:

- i. Townhouse units shall be rear-loaded. Townhouses shall provide on-site parking by an enclosed garage located in the back yard with access from a lane. Parking may occur within the driveway leading to the garage, in which case said garage shall be set back no less than 18 feet and no more than 22 feet from the right-of-way of the rear lane to accommodate a car without projecting into the right-of-way.;
- ii. Parking shall not be visible from the public right-of-way associated with a front or side yard;
- iii. Buildings shall be oriented, with one or more building entrances, toward the public street to which the build-to-line is measured.
- iv. Reverse frontage lots are prohibited.
- v. Stormwater detention areas shall not be located between a building and a publicly accessible area.
- vi. Trash and recycling disposal and pick-up facilities shall not be visible from a publicly accessible area.

12. Building Design Standards:

- i. As a general rule, buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining front yard setbacks at the build-to-line; by maintaining base courses; by use of front porches on residential buildings; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration; and by echoing architectural styles and details, design themes, building materials, and colors historically used in Rumson Borough.
- ii. The second-floor habitable area shall not exceed 90% of the first-floor area.
- iii. The third-floor habitable area shall not exceed 30% of the second-floor area
- iv. Facades shall be expressed as building modules that do not exceed 30 feet in width.
- v. Building facades facing a publicly accessible area shall be articulated into three distinct vertical components — a “base”, a “middle”, and a “top.”
 1. The base should consist of the first story. The base design shall be emphasized to create visual interest and support pedestrian activity.
 2. The middle should consist of all or a portion of the upper stories. The middle shall be differentiated from the base and the top by a horizontal transition line. The transition line’s specific location shall be determined primarily by the overall height of the building and that of any adjacent buildings. The transition line shall relate to adjacent building if the adjacent buildings are lower than the proposed building. A change of material and/or color from the base is an acceptable way to distinguish the middle portion of the building.
 3. The top may consist of the top story or may consist of a horizontal or projecting element articulating the top of the building.

e. Administrative Entity.

1. The Borough has designated an Administrative Agent appointed by the Mayor and Council to administer the affordable units created in accordance with the Borough’s Mixed-Use Affordable Housing Overlay Zone. The administrative responsibilities of the Borough’s Administrative Agent include, but are not limited to, advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Borough’s Administrative Agent shall administer the program in accordance with COAH’s regulations and the subsection 22-7.35, Affirmative Marketing of Affordable Housing Units, and subsection 22-7.36, Affordable Housing Developments. The Developer is responsible for all costs of the Borough’s Administrative Agent regarding the developer’s particular project.

2. The Borough retains jurisdiction on all other approvals required by this Chapter, including, but not limited to, development permits and variances, subdivision or site plan approvals.
- f. Change in Use. Any change in use effecting an approved mixed-use affordable housing development shall be subject to site plan approval by the Borough, except as otherwise exempted from site plan approval by this chapter. The conversion of a non-affordable residential unit to an affordable unit shall be permitted, subject only to administrative support by the Borough's Administrative Agent.
- g. Affordable Housing.

1. Project will deliver an on-site affordable housing set-aside of twenty percent (20%). Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.
2. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of ½ or more, the fraction shall be rounded up to the next whole number. When a calculation results in a fraction of less than ½, the fraction shall be rounded down to the previous whole unit.
3. Any fractional affordable housing requirement that is less than 1/2 and rounded down shall be addressed by either the developer providing the affordable unit or by making a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this chapter, the payment in lieu of affordable housing shall initially be established as \$350,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable housing unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.
4. Said affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within

each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with bedroom distribution requirements, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and construction phasing with the market rate units developed on the tract as is required by N.J.A.C. 5:93-5.6(d).

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

- In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.
- In the negative: None.
- Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-014 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” ORDINANCES TO CREATE A RESIDENTIAL ZONE ALSO KNOWN AS THE RUMSON ROAD HOUSING ZONE DISTRICT (RR) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS” SECTION 22-5 “ZONING DISTRICT REGULATIONS”, TO CREATE A RESIDENTIAL ZONE ALSO KNOWN AS THE RUMSON ROAD HOUSING ZONE DISTRICT (RR)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.20 Rumson Road Housing Zone District (RR) as an additional housing zone district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) is hereby amended to establish the Rumson Road Housing Zone District (RR) and establish Subsection 22-5.20 to provide zoning requirements:

Chapter 22-5.20 Rumson Road Housing Zone District (RR)

A. Applicability.

The use, bulk, design and performance standards of the RR District shall supersede the zoning provisions of the Rumson Borough General Ordinances and the Development Regulation Ordinance (Chapter XXII). However, where the regulations and standards of the RR District are silent, the standards of the General Ordinances and Chapter XXII shall apply.

B. Purpose.

The RR District provides land use regulations for the redevelopment of the site where specific site elements are incorporated that limit the impact to the surrounding parcels through the requirement of adequate development setbacks, alternate means of access and sufficient buffering. The RR District is intended to provide for the development of multifamily housing with a payment in-lieu contribution to the Borough's Affordable Housing Trust Fund to support the development of very low, low and moderate income housing elsewhere in the Borough. The RR District is being created to implement the Settlement Agreement between the Borough of Rumson and Yellow Brook Property Co., LLC, which was entered into on January 16, 2020 (hereinafter the "Yellow Brook Settlement Agreement"), the terms and conditions of which are incorporated herein by reference.

C. Permitted Uses. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the RR District.

1. Triplex Dwellings.
2. Carriage Home Dwellings.
3. Public and private open space and parks.

D. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the RR District:

- i. Fences and walls.
- ii. Off-street parking including stand-alone garages.
- iii. Site Furnishings (seating, etc.).
- iv. Accessory structures as depicted on the concept plan that is attached to the Yellow Brook Settlement Agreement as Exhibit C. The exhibit is also attached hereto as Exhibit A.

E. Community Design and Access. Any plan for the development of the parcel shall be substantially consistent with Exhibit C of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity. Principal buildings are not required to front on an improved public street as the carriage house dwelling is permitted to be located behind the triplex dwelling.

F. Maximum Building Height.

- 1. Maximum building height for the triplex and carriage home dwellings shall not exceed 35 feet in height and two and a half (2 ½) stories.
- 2. Maximum building height for the stand-alone garage buildings shall not exceed 22 feet in height and one and a half (1 ½) stories.

G. Area and Yard Requirements.

The following area and bulk regulations shall apply:

- 1. Maximum number of dwelling units: 16
- 2. Maximum building coverage: 15%
- 3. Maximum impervious coverage: 32%
- 4. Minimum setback from right-of-way: 55 feet
- 5. Minimum setback from tract boundary (other than ROW): 40 feet
- 6. Minimum buffer width from tract boundary: 25 feet
- 7. Minimum distance between triplex dwellings: 30 feet to foundation / 23 to feet porch
- 8. Parking spaces shall be provided for all residential dwellings according to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).
- 9. Parking areas and driveways shall be located a minimum of 25 feet from any tract boundary.
- 10. Garages shall not face the public right-of-way without an intervening principal building projection line situated between the garage and the public right-of-way.
- 11. 60% of the required parking shall be provided within an enclosed garage.
- 12. Parking not within a garage shall not be visible from the public right-of-way, and shall be screened from adjoining property owners and the public right-of-way with plantings, walls and fences to provide 100% opacity.
- 13. Outside refuse disposal is not permitted. Refuse disposal container shall be contained with the buildings.
- 14. The buffer area shall not include driveways, parking, utilities, stormwater management, patios, courtyards, decks, mechanical equipment or buildings.
 - a. Existing vegetation within the buffer that is not considered invasive or dead or dying shall be preserved.

- b. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.
- c. Existing on-site trees to remain within the required buffer area shall be utilized as part, and incorporated into, the buffer design.
- d. Proposed screening layout and elements shall be placed only within the required buffer area and are subject to review and approval by the Borough.
- e. Proposed plant material shall provide a four-season interest, be deer tolerant and consist primarily of native species. Invasive plant species shall not be allowed. Applicants are encouraged to use the New Jersey American Native Plant Society and the Rutgers Agricultural Extension Service websites as a guide in species selection.
- f. Plant material shall be installed at the following minimum sizes:
 - Deciduous trees – 3” caliper minimum
 - Conifer trees – 8’ height minimum
 - Large Evergreen and Deciduous Shrubs – 4’ height minimum
 - Small Evergreen and Deciduous Shrubs – 2’ height minimum
- g. Drip irrigation is encouraged to be incorporated within the landscape buffer area to ensure the success of the proposed plant material.
- h. All other requirements from Section 22-8.4 shall apply.

H. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-51.

1. Building Design. The purpose of these building design standards is to ensure that the design of buildings promotes a desirable visual and spatial environment, and that the buildings fit within the existing range of vernacular styles within Rumson Borough. The design of the buildings shall comply with the following standards, and shall be substantially consistent with Exhibit C of the Yellow Brook Settlement Agreement, which is also attached hereto as Exhibit A.
2. Pedestrian Circulation. Pedestrian walkways connecting streets and parking area to the dwellings shall be provided. All walkways shall be constructed of brick or brick pavers.
3. Curbing. All vertical curbs shall be 6” in height and constructed of Belgian block, unless mountable Belgian block curbs are proposed.
4. Lighting.
 - a. General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. The use of light emitting diode (LED) fixtures is required for energy efficiency and uniform illumination.

- b. Parking lots shall be illuminated with a minimum of two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
- c. Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding public street rights-of-way.
- d. Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.
- e. Pedestrian level lighting shall be used along any pedestrian walkways not illuminated by parking lot lighting. The minimum illumination of pedestrian areas shall be two tenths (0.2) foot-candle over the walkway surface, except that no illumination shall be required for trails and pathways in the passive recreation land use area. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
- f. Fixtures for illumination shall be full cutoff luminaires.

5. Mechanical Equipment.

- a. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and enclosed.
- b. Outdoor storage, utility meters, HVAC equipment, and other such service functions shall be incorporated into the overall design of the buildings and site layout. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby.

I. General Standards.

- 1. There shall exist approved public water and public sewer systems which shall be available to each unit prior to the issuance of the building permit for that unit.
- 2. For developments to be constructed over a period of years, a phasing plan shall be submitted as part of the preliminary plan for the entire concept subject to a developer's agreement with the Borough.
- 3. Off-tract improvements including safety improvements at the intersection of Rumson Road and Osprey Lane shall be constructed in coordination with the Borough and the County.

J. Affordable Housing.

A payment in-lieu contribution to the Borough's Affordable Housing Trust Fund for the provision of four (4) off-site affordable housing units is required for development within the RR zone, as per the terms and conditions in Section 4.2 of the Yellow Brook Settlement Agreement.

SECTION 2

Chapter XXII (Development Regulations Zoning Map appendix) is hereby amended to add the Rumson Road Housing Zone District (RR) for Block 124, Lot 31.

SECTION 3

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 6

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

Extensive design details are also part of this Ordinance introduction and are quite lengthy. These details are not included in these minutes. The design details are available for public review at Borough Hall or on the Borough's website. The design details will be included in the minutes of the Public Hearing when the Ordinances are adopted.

INTRODUCTION OF ORDINANCE #20-015 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII "DEVELOPMENT REGULATIONS" TO CREATE A RESIDENTIAL HOUSING ZONE KNOWN AS BINGHAM AVENUE HOUSING ZONE DISTRICT (BA) IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII "DEVELOPMENT REGULATIONS" SECTION 22-5 "ZONING DISTRICT REGULATIONS", TO CREATE A RESIDENTIAL HOUSING ZONE KNOWN AS BINGHAM AVENUE HOUSING ZONE DISTRICT (BA)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.21 Bingham Avenue Housing Zone District (BA) as an additional housing zone district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) is hereby amended to establish the Bingham Avenue Housing Zone District (BA) and establish Subsection 22-5.21 to provide zoning requirements:

Section 22-5.21 Bingham Avenue Housing Zone District (BA)

A. Applicability

The use, bulk, design and performance standards of the BA District shall supersede the zoning provisions of the Rumson Borough General Ordinances and the Development Regulation Ordinance (Chapter XXII). However, where the regulations and standards of the BA District are silent, the standards of the General Ordinances and Chapter XXII shall apply.

B. Purpose

The BA district provides land use regulations for the redevelopment of the site where specific site elements are incorporated that limit the impact to the surrounding parcels through the requirement of adequate development setbacks, alternate means of access and sufficient buffering. The BA District is intended to provide for the development of multifamily housing with an in-lieu contribution to support the development of households of very low, low and moderate income elsewhere in the Borough. The BA District is being created to implement the Settlement Agreement between the Borough of Rumson and Yellow Brook Property Co., LLC, which entered into on January 16, 2020 (hereinafter the “Yellow Brook Settlement Agreement”), the terms and conditions of which are incorporated herein by reference.

C. Permitted Uses. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the BA District.

4. Duplex (side by side) Dwellings.
5. Public and private open space and parks.

D. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the BA District:

- v. Fences and walls.
- vi. Off-street parking including stand-alone garages.
- vii. Site Furnishings (seating, etc)
- viii. Accessory structures as depicted on the concept plan that is attached to the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity.

E. Community Design and Access. Any plan for the development of the parcel shall be substantially consistent with the Exhibit A of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity.

F. Maximum Building Height.

- 1. Maximum building height for the triplex and carriage home dwellings shall not exceed 38 feet in height and 2 ½ stories.

G. Area and Yard Requirements

The following area and bulk regulations shall apply:

- | | |
|--|--|
| 1. Maximum number of dwelling units: | 18 |
| 2. Maximum building coverage: | 25% |
| 3. Maximum impervious coverage: | 55% |
| 4. Minimum setback from right-of-way: | 100 feet |
| 5. Minimum setback from tract boundary (other than ROW): | 40 feet excluding patio/ 20 feet for patios |
| 6. Minimum buffer width from tract boundary: | 25 feet, 20 feet permitted only for retaining walls associated with patios. Unit 8 as shown on the Bingham Avenue concept plan shall have 15 feet permitted for retaining wall with patio. |
| 7. Minimum distance between dwellings: | 30 feet, except units 8 & 9 where 20 feet shall be the minimum |
| 8. Minimum distance from garage façade to sidewalk: | 25 feet |
| 9. Parking spaces shall be provided for all residential dwellings according to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21). | |
| 10. Parking areas, roadways and driveways shall be located a minimum of 25 feet from any tract boundary, except on-street head-in parking, where 15-feet shall be the minimum, and the driveway for Unit 8 as shown on the Bingham Avenue Concept plans, where 20-feet shall be the minimum. | |
| 11. Garages shall not face the public right-of-way without an intervening principal building situated between the garage and the public right-of-way. | |
| 12. 80% of the required parking shall be provided within an enclosed garage. | |
| 13. 50% of the on-street parking shall be provided as parallel parking spaces. | |

14. Parking not within a garage shall not be visible from the public right-of-way and shall be screened with plantings, walls and fences to provide 100% opacity.
15. Outside refuse disposal is not permitted. Refuse disposal container shall be contained with the buildings.
16. Surface detention facilities for stormwater management shall not be located within the front yard setback from the public right-of-way.
17. The buffer area shall not include driveways, parking, utilities, stormwater management, patios, courtyards, decks, mechanical equipment or buildings.
 - a. Existing vegetation within the buffer that is not considered invasive or dead or dying shall be preserved.
 - b. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.
 - c. Screening function shall be defined as providing privacy to both the proposed and existing off-site adjacent residential lots.
 - d. Existing on-site trees to remain within the required buffer area shall be utilized as part, and incorporated into, the buffer design.
 - e. Proposed screening layout and elements shall be placed only within the required buffer area and are subject to review and approval by the Borough.
 - f. Proposed plant material shall provide a four-season interest, be deer tolerant and consist primarily of native species. Invasive plant species shall not be allowed. Applicants are encouraged to use the New Jersey American Native Plant Society and the Rutgers Agricultural Extension Service websites as a guide in species selection.
 - g. Plant material shall be installed at the following minimum sizes:
 - Deciduous trees – 3” caliper minimum
 - Conifer trees – 8’ height minimum
 - Large Evergreen and Deciduous Shrubs – 4’ height minimum
 - Small Evergreen and Deciduous Shrubs – 2’ height minimum
 - h. Drip irrigation is encouraged to be incorporated within the landscape buffer area to ensure the success of the proposed plant material.
 - i. All other requirements from Section 22-8.4 shall apply.

H. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law at NSA 40:55D-51.

4. Building Design. The purpose of these building design standards is to ensure that the design of buildings promotes a desirable visual and spatial environment and that the buildings fit within the existing range of vernacular styles within Rumson Borough. The design of the buildings shall comply with the following standards and be substantially consistent with the Exhibit A.

2. Pedestrian Circulation. Pedestrian walkways connecting streets and parking area to the dwellings shall be provided.
3. Curbing
 - a. All curbs shall be 6" in height and constructed of Belgian block, unless mountable Belgian block curbs are proposed.
 - b. A depressed curb with a concrete apron and a sidewalk shall traverse the width of the driveway that intersects with the private road.
4. Lighting
 - g. General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. The use of light emitting diode (LED) fixtures is required for energy efficiency and uniform illumination.
 - h. Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
 - i. Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding public street rights-of-way.
 - j. Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.
 - k. Pedestrian level lighting shall be used along any pedestrian walkways not illuminated by parking lot lighting. The minimum illumination of pedestrian areas shall be two tenths (0.2) foot-candle over the walkway surface, except that no illumination shall be required for trails and pathways in the passive recreation land use area. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
 - l. Fixtures for illumination shall be full cutoff luminaires.
5. Mechanical Equipment
 - c. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and enclosed
 - d. Outdoor storage, utility meters, HVAC equipment, and other such service functions shall be incorporated into the overall design of the buildings and site layout. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby.

I. General Standards

4. There shall exist approved public water and public sewer systems which shall be available to each unit prior to the issuance of the building permit for that unit.
5. For developments to be constructed over a period of years, a phasing plan shall be submitted as part of the preliminary plan for the entire concept subject to a developer's agreement with the Township.

J. Affordable Housing.

A payment in-lieu contribution to the Borough's Affordable Housing Trust Fund for the provision of five (5) off-site affordable housing units is required for development within the BA zone, as per the terms and conditions in Section 4.2 of the Yellow Brook Settlement Agreement.

SECTION 2

Chapter XXII (Development Regulations Zoning Map appendix) is hereby amended to add the Bingham Avenue Housing Zone District (BA) for Block 94, Lot 5.

SECTION 3

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 6

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

Extensive design details are also part of this Ordinance introduction and are quite lengthy. These details are not included in these minutes. The design details are available for public review at Borough Hall or on the Borough's website. The design details will be included in the minutes of the Public Hearing when the Ordinances are adopted.

INTRODUCTION OF ORDINANCE #20-016 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations relating to Section 22-2, Definitions, Subsection 22-2.4 Definitions, to add and amend definitions, Section 22-3, Administration, Subsection 22-3.14 Fees, to amend Affordable Housing Fees, Section 22-5 Zoning District Regulations, Subsection 22-5.2 Description of Districts to add Districts, Section 22-7 General Zoning Provisions, Subsection 22-7.35 Affirmative Marketing of Affordable Housing Units, to remove said Subsection, Subsection 22-7.36 Affordable Housing Developments, to remove said Subsection, and to amend Attachments.

Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

That Chapter XXII, Development Regulations, shall be amended as follows:

§ 22-1 TITLE AND PURPOSE.

No Change.

§ 22-2 DEFINITIONS.

§ 22-2.1 Purpose through § 22-2.3 Intent of Certain Terms and Words.

No Change.

§ 22-2.4 Definitions.

Certain words, phrases, and terms in this chapter are defined for the purpose herein as follows:

ACCESSORY BUILDING, STRUCTURE OR USE through DUMPSTERS AND RECYCLING CONTAINERS AND BINS

No Change.

DUPLEX

Shall mean a building or structure designed for and occupied by no more than one (1) family household and is attached to one (1) other similar building or structure by one party wall with each dwelling unit having its own utility services in the same manner as a single-family detached dwelling unit.

DWELLING through MULCH

No Change.

~~MULTI-FAMILY BUILDING~~

~~Shall mean any building containing two or more dwelling units, including "townhouses" within a lot. Dwelling units within multi-family buildings are classified as multi-family dwellings.~~

MULTI-FAMILY DWELLING

Shall mean any building in which there are two (2) or more dwelling units.

MUNICIPAL AGENCY through PUBLIC UTILITY

No Change.

QUADPLEX

Shall mean a building or structure designed for and occupied by not more than one (1) family household and is attached to three (3) similar buildings or structures by not more than two (2) party walls with each dwelling unit having its own utility services in the same manner as a single-family detached dwelling unit.

QUORUM through TOWER

No Change.

TOWNHOUSE

Shall mean a building or structure designed for and occupied by no more than one (1) family household and is attached to two (2) or more similar buildings or structures by not more than two (2) party walls with each dwelling unit having its own utility services in the same manner as a single-family detached dwelling unit.

TRACT through TRIP

No Change.

TRIPLEX

Shall mean a building or structure designed for and occupied by not more than one (1) family household and is attached to two (2) similar buildings or structures by not more than two (2) party walls with each dwelling unit having its own utility services in the same manner as a single-family detached dwelling unit.

ULI through ZONING PERMIT

No Change.

§ 22-3 ADMINISTRATION.

§ 22-3.1 **Planning Board** through § 22-3.13 **Copy to Be Filed with County Planning Board.**

No Change.

§ 22-3.14 **Fees.**

The developer shall, at the time of filing an application, pay a nonrefundable fee to the Borough of Rumson by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's Office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein.

a. Application for Development (Zoning) Permit through y. Inspection, Testing and Engineering Administration Fees.

No Change.

z. Affordable Housing Development Fees: Reserved

~~1. Residential Development Fees. Except as provided in subsection 22-3.14z,3, Affordable Housing Development Fees, as hereafter provided, shall be paid prior to the issuance of a building permit:~~

~~(a) 1% of the equalized assessed value (EAV) of each new dwelling unit.~~

~~(b) 1% of the increase in equalized assessed value (EAV) due to expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit, which results in a 25% or greater increase in floor area.~~

~~(c) If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5) in any residential district in the Borough of Rumson, then the additional residential units realized above what is permitted by right under the existing zoning will incur a bonus development fee of 6% of the EAV rather than the development fee of 1%. If the zoning on a site has changed during the two year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two year period preceding the filing of the "d" variance application.~~

~~2. Nonresidential Development Fees. Except as provided in subsection 22-3.14z,3, Affordable Housing Development Fees shall be paid prior to the issuance of a building permit:~~

~~(a) 2% of the equalized assessed value (EAV) for all new nonresidential development.~~

~~(b) 2% of the increase in equalized assessed value (EAV) due to expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any nonresidential development which results in a greater than 500 square foot or greater increase in floor area.~~

~~(c) If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized greater than that which is permitted by right under the existing zoning will incur a bonus development fee of 6% of the EAV rather than the development fee of 2%. If the zoning on a site has changed during the two year period preceding the filing of the "d" variance application, the floor area permitted by right for the purposes of calculating the bonus development fee shall be the maximum amount of floor area permitted by right~~

during the two-year period preceding the filing of the "d" variance application.

3. ~~Eligible Exaction, Ineligible Exaction and Exemptions.~~

(a) ~~Developers of low and moderate income housing units or projects shall be exempt from paying development fees pursuant to this subsection.~~

(b) ~~Developments that have received preliminary approval prior to the effective date of this paragraph z* and where the rights and protections for such approval granted under N.J.S.A. 40:55D-49 have not expired or been extended as permitted under law, shall be exempted from the payment of a development fee pursuant to this paragraph z unless the developer seeks a substantial change in the approval.~~

(c) ~~Developments that have received final approval prior to the effective date of this paragraph y and where the rights and protections for such approval granted under N.J.S.A. 40:55D-52 have not expired or been extended as permitted under law, shall be exempt from the payment of a development fee pursuant to this paragraph z unless the developer seeks a substantial change in the approval. In such cases where final site plan or subdivision approval has been granted and all required improvements have been accepted by the municipality and all performance bonds and guarantees have been released, prior to the adoption of this paragraph z., the issuance of any building permit resulting from such approval shall be subject to payment of a development fee pursuant to this paragraph z.~~

(d) ~~The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in less than a 25% increase in floor area shall be exempt. The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in greater than a 25% increase in floor area shall pay a development fee of 1% of the increase in equalized assessed value of the property.~~

(e) ~~Development by any churches or places of worship, or any nonprofit fraternal, social, charitable, or eleemosynary organizations formed and legally established in accordance with the laws of the State of New Jersey, or any public school district or board of education, or any other public authority, shall be exempt from paying a development fee pursuant to this paragraph z.~~

4. ~~Determination and Collection of Fees. The Borough Tax Assessor shall estimate the required development fee pursuant to this subsection prior to the issuance of building permits. Developers shall pay 50% of the estimated fee to the Borough prior to the issuance of building permits. Prior to issuance of a Certificate of Occupancy, the Borough Tax Assessor shall estimate the remaining fee required pursuant to this paragraph z. The developer shall be responsible for paying the difference between the portion of the estimated fee paid at building permit and the full amount of the fee determined at the time of certificate of occupancy.~~

5. ~~Housing Trust Fund. An interest bearing housing trust fund will be established for the purpose of receiving development fees pursuant to this paragraph z. All fees paid pursuant to this paragraph shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH and, when applicable, a court of competent jurisdiction.~~

6. ~~Use of Funds.~~

(a) ~~Money deposited in a housing trust fund may be used for any activity approved by COAH or by, when applicable, a court of competent jurisdiction addressing the Borough's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units more affordable to low and moderate income households and administrative costs necessary to implement the Borough's Housing Plan Element and Fair Share Plan. The~~

expenditure of all money shall conform to a spending plan approved by COAH or, when applicable, by a court of competent jurisdiction.

- ~~(b) At least 30% of the fees collected shall be devoted to render units more affordable unless exempt as per N.J.A.C. 5:93-8-16(c). Examples of such activities include, but are not limited to, down payment and closing cost assistance, low interest loans and rental assistance.~~
- ~~(c) No more than 20% of the fees collected shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.~~
- ~~(d) Development fee revenues shall not be expended to reimburse the Borough for housing activities that preceded a first or second round substantive certification or a judgment of repose.~~

~~7. This paragraph shall take effect immediately upon:~~

- ~~(a) Final passage and publication according to law and filing with the Monmouth County Planning Board; and~~
- ~~(b) Approval by COAH and/or the court through the issuance of a judgment of repose or other appropriate order.~~

~~8. Expiration of Paragraph. This paragraph shall expire if:~~

- ~~(a) The court vacates the Borough's judgment of repose or revokes this paragraph;~~
- ~~(b) The Borough's judgment of repose expires prior to Borough filing an adopted housing element with COAH, petitioning for substantive certification, or receiving COAH's approval of this ordinance;~~
- ~~(c) COAH dismisses or denies the Borough's petition for substantive certification; or~~
- ~~(d) If the Borough is under COAH's jurisdiction and has a certified housing element and fair share plan, COAH revokes substantive certification or this paragraph.~~

aa. Recovery of Borough Costs Related to Inaccurate Submissions.

1. The Zoning Officer or Administrative Officer, who may seek the advice and assistance of the Borough Engineer and/or Construction Official, may review and check the accuracy of any application for development.
2. The cost of such review and checking, in relation to applications for development which involve a site plan, subdivision or variance application, shall be borne by the applicant in accordance with this subsection 22-3.14.
3. The cost of such review and checking in relation to other applications for development shall not be the responsibility of the applicant if no material errors are uncovered.
4. If material errors which require revisions and/or resubmissions are uncovered, the entire cost of such review and checking and the cost of reviewing subsequent revised submissions shall be borne by the applicant in accord with the provisions of subsection 22-3.14m, and the Zoning Officer or Administrative Officer shall not issue any approval until any required escrow is provided and any escrow deficiency is eliminated.

bb. Stormwater Management and Control Fees.

1. When determining subdivision or site plan review and inspection fees required by subsections 22-3.14m, n or o, the Administrative Officer or Municipal Agency may consider the extent, nature and cost of the effort required to comply with Chapter 16, Section 16-2, Stormwater Management and Control, of the Revised General Ordinances of the Borough of Rumson.
2. When reviewing a development permit application for development which is subject to the

provisions of Chapter **16**, Section **16-2**, Stormwater Management and Control, of the Revised General Ordinances of the Borough of Rumson and exceeds the stormwater management thresholds contained in subsection **16-2.2c,2**, but does not involve a site plan or subdivision, the Administrative Officer and/or Zoning Officer shall determine fees in the same manner as fees would be determined for site plans pursuant to subsections 22-3.14m, n or o including provision of refundable escrow fees when appropriate.

§ 22-4 **PROCEDURE.**

No Change.

§ 22-5 **ZONING DISTRICT REGULATIONS.**

§ 22-5.1 **Zoning Map and Schedule.**

a. Establishment, Authentication, Maintenance, and Revision.

1. Zoning Map. The locations and boundaries of the districts of the Borough are hereby established as shown on the Zoning Map of the Borough of Rumson, New Jersey which is attached hereto and is hereby made a part of this chapter, together with all notations, references and designations shown thereon and dated December 6, 1989 last revised ~~December 26, 2017.~~ November 17, 2020.
2. Schedule of District Regulations. District regulations for zone districts within the Borough of Rumson are hereby established and are attached hereto and are hereby made a part of this chapter, together with all notations, references and designations shown thereon.
3. Authentication of Official Zoning Map. Subsequent to the adoption of this chapter, and any revisions to the Zoning Map three copies of the Zoning Map shall be authenticated by the Mayor's signature, and the seal of the municipality, attested by the Borough Clerk, under the following certificate:

"I certify that this is the Official Zoning Map of the Borough of Rumson, New Jersey, referred to in the Ordinances of the Borough of Rumson, New Jersey."

4. Maintenance of the Official Zoning Map. Authenticated copies of the Official Zoning Map shall be maintained in the office of the Borough Clerk and Zoning Officer and shall be made available for public reference. Copies of all or a part of the official Zoning Map may be reproduced for public distribution. One authenticated copy shall be forwarded to the Monmouth County Planning Board in accordance with N.J.S.A. 40:55D-16. However, the original copy of the Official Zoning Map maintained in the Office of the Borough Clerk shall be the final authority as to the current status of zoning districts in the Borough of Rumson.

5. Revisions to the Official Zoning Map.

- (a) When, in accordance with the provisions of this chapter and of State Law, revisions are made in district boundaries or other matters portrayed in the Zoning Map, such changes will not become effective until the Zoning Map has been amended, with an entry bearing the date of adoption, ordinance number, a brief description of the change(s).

(b) Each revision shall be authenticated by the Mayor and attested by the Borough Clerk. Each ordinance amending the Official Zoning Map in any manner shall include the provision that it shall not take effect until the Official Zoning Map has been amended in accordance with these provisions.

(c) No changes of any nature shall be made to the Official Zoning Map except in conformity with the above procedure. Any unauthorized changes to the map or its contents by any person or persons shall be considered a violation of this chapter.

b. Interpretation of District Boundaries.

1. Zone district boundaries are intended to follow street, lot or property lines, or other natural lines such as the center line of water courses, ditches or lagoons, unless such district or zone boundaries are fixed by dimension on the Zoning Map or by description, and shall include contiguous riparian lands subsequently acquired and/or filled, and lands acquired by the accretion or stream diversion by natural causes.

2. In constructing the Official Zoning Map, the following rules shall apply:

(a) Boundaries indicated as following the center lines of streets, highways or alleys or streams, rivers or other bodies of water shall be construed to follow such center lines.

(b) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as parallel to or extensions of features indicated in subsections **22-5.1a** through **22-5.1b** above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the use of the scale appearing thereon.

(d) Where a zone boundary fixed by dimensions approximately follows and is not more than twenty (20') feet distant from a lot line, such lot line shall be construed to be the zone boundary.

§ 22-5.2 Description of Districts.

a. The Borough of Rumson is hereby divided into districts as follows:

R-1 Residential Zone District

R-2 Residential Zone District

R-3 Residential Zone District

R-4 Residential Zone District

R-5 Residential Zone District

R-6 Residential Zone District

POB Professional Office Building Zone District

GB General Business Zone District

NB Neighborhood Business Zone District

POS Public Facilities and Open Space Zone District

RSC Rumson Road Scenic Corridor Overlay District

H-BP Historic-Barley Point, Seasonal Residential District

ROI-2 Residential Overlay Inclusionary District-2

ROI-4 Residential Overlay Inclusionary District-4

ROI-5 Residential Overlay Inclusionary District-5

FIIO Faith Institution Inclusionary Overlay District

BA Bingham Avenue Housing Zone District

RR Rumson Road Housing Zone District

AH-1 Carton Street Affordable Housing Zone

MUMFO Mixed Use and Multi-Family Overlay Zone

- b. through e.

No Change.

§ 22-5.3 Permitted and Prohibited Uses through § 22-5.15 Mixed-Use Overlay Zone.

No Change.

§ 22-6 CONDITIONAL USES.

No Change.

§ 22-7 GENERAL ZONING PROVISIONS.

§ 22-7.1 Purpose through § 22-7.34 Wireless Telecommunications Towers, Antennas, and Transmission Facilities

No Change.

§ 22-7.35 ~~Affirmative Marketing of Affordable Housing Units.~~ Reserved

- a. ~~The Borough has adopted a Housing Plan Element and Fair Share plan that addresses its present and prospective need for new affordable housing units. The Borough has included in its Housing Plan Element and Fair Share plan mechanisms to capture opportunities for affordable housing beyond its RDP in accordance with COAH requirements, including an accessory apartment ordinance and Mixed Use Overlay Zone. This section will apply to all new developments in Rumson that contain low and moderate income units and any future inclusionary developments that may occur in the Borough.~~
- b. ~~The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Borough is in the housing region consisting of Mercer, Monmouth, and Ocean Counties. The affirmative marketing program is a continuing program and will meet the following requirements:~~
- e. ~~All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following newspapers/publications:~~
 - 1. ~~Asbury Park Press~~
 - 2. ~~Two River Times~~
 - 3. ~~Trenton Times~~
- d. ~~The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.~~
- e. ~~The advertisement will include the:~~
 - 1. ~~Street address;~~
 - 2. ~~Direction to the housing units;~~
 - 3. ~~Number of bedrooms per unit;~~

4. ~~Range of selling prices/rents;~~
5. ~~Size of units;~~
6. ~~Household income limits; and~~
7. ~~Location of applications including business hours and where/how applications may be obtained.~~
- f. ~~All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in the following neighborhood oriented weekly newspapers, religious publications and organizational newsletters within the region:~~

~~The Hub~~

~~Rumson Borough Bulletin~~

- g. ~~If applicable, the following regional radio and/or cable television station(s) will be used:~~

~~Comcast Cable~~

- h. ~~The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region:~~

1. ~~Rumson Borough Hall, 80 East River Road~~
2. ~~Rumson Post Office, Hunt Street and Bingham Avenue~~
3. ~~Oceanic Free Library, Avenue of Two Rivers and Ridge Road~~
4. ~~Developer's sales/rental office on site (if applicable)~~
5. ~~Rumson Business and Professional Association, Bingham Avenue~~

- i. ~~The following is a list of community contact person(s) and/or organization(s) in Mercer, Monmouth, and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region:~~

1. ~~Rumson Senior Citizen Club~~
2. ~~Monmouth County Community Development Program~~
3. ~~Housing Affordability Service (HAS)~~
4. ~~The ARC of Mercer, Monmouth, and Ocean Counties~~
5. ~~The Monmouth Housing Alliance~~
6. ~~Developer's sales offices (if applicable)~~
7. ~~Monmouth County Administrative Offices (Freehold Borough)~~

- j. ~~Applications will be mailed to prospective applicants upon request. Additionally, applications will be sent to the chief administrative employees of each of the following agencies in the counties of Mercer, Monmouth, Ocean Counties:~~

1. ~~Office on Aging~~
2. ~~Housing Agency or Authority~~
3. ~~Area Community Action Agencies~~
4. ~~Community Development Departments or Divisions~~

- k. ~~Owners of accessory units will be permitted to select applicants from lists of eligible applicants provided by the Borough in accordance with the procedures permitted by COAH.~~

- l. ~~The following is a description of the random selection method that will be used to select occupants of low and moderate income housing, other than accessory units:~~

1. ~~Notices will be distributed to all of the agencies and publications listed above, advising of the availability of such housing units and providing a deadline of at least 120 days after the notices have been distributed for submission of applications.~~

2. ~~Once the deadline for submission of applications has passed, each of those applications, which satisfy the requirements for low and/or moderate income housing occupancy, and~~

subject to the provisions of paragraph m below, shall be given an anonymous number and each number shall be placed on the same size and stock card and placed in a drum.

3. ~~Notice of the drawing shall be given seven days in advance of the drawing to all applicants who have been deemed to satisfy the requirements.~~
4. ~~The Borough shall then draw 10 numbers, one number at a time, with each number being placed in the order by which the numbers were drawn and that shall be the order in which persons will be given the opportunity to take advantage of the low and moderate income housing available, dependent upon their satisfying all criteria. If there are more numbers drawn than available housing units, the applicants representing those numbers shall constitute an initial waiting list to be used in the event that any of the other selected individuals are thereafter determined not eligible.~~
- m. ~~The Borough is ultimately responsible for administering the affirmative marketing program through an interlocal service agreement. The Borough has delegated this responsibility to the Township of Middletown. The Township of Middletown will income qualify low and moderate income households; place income eligible households in low and moderate income units upon initial occupancy; provide for the initial occupancy of low and moderate income units with income qualified households; continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; assist with advertising and outreach to low and moderate income households if in the contract; and enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9. The Borough Administrator within Rumson is the designated housing officer to act as liaison to the Township of Middletown. The Township of Middletown will provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements and landlord/tenant law.~~
- n. ~~Households who live or work in the COAH established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Borough intends to comply with N.J.A.C. 5:93-11.7.~~
- o. ~~Developers of low and moderate income housing units may assist in the marketing of the affordable units in their respective developments if so designated by the Borough.~~
- p. ~~The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.~~
- q. ~~The Township of Middletown, and the Borough will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.~~

§ 22-7.36 Affordable Housing Developments. Reserved

- a. ~~The Borough of Rumson's fair share obligations will be divided equally between low and moderate income households per N.J.A.C. 5:93-2.20.~~
- b. ~~Except for inclusionary developments constructed pursuant to low income tax credit regulations:~~
 1. ~~At least 1/2 of all units within each inclusionary development will be affordable to low income households; and~~
 2. ~~At least 1/2 of all rental units will be affordable to low income households; and~~
 3. ~~At least 1/3 of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.~~

- ~~c. Inclusionary developments that are not age restricted will be constructed in conjunction with realistic market demands so that:~~
 - ~~1. The combination of efficiency and one bedroom units is at least 10% and no greater than 20% of the total low and moderate income units; and~~
 - ~~2. At least 30% of all low and moderate income units are two bedroom units; and~~
 - ~~3. At least 20% of all low and moderate income units are three bedroom units; and~~
 - ~~4. Low and moderate income units that are age restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of age restricted low and moderate income units within the inclusionary development.~~
 - ~~5. Accessory units shall be exempt from COAH bedroom mix requirements as per N.J.A.C. 5:93-7.3.~~
 - ~~6. Low and moderate income units created pursuant to the Borough's mixed-use overlay zone shall be exempt from COAH's bedroom mix requirements.~~
 - ~~d. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:~~
 - ~~1. Efficiency units will be affordable to a one person household; and~~
 - ~~2. One bedroom units will be affordable to 1.5 person households; and~~
 - ~~3. Two bedroom units will be affordable to three person households; and~~
 - ~~4. Three bedroom units will be affordable to 4.5 person households; and~~
 - ~~5. Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b); and~~
 - ~~6. The maximum sales prices of low and moderate income units within each inclusionary development will be affordable to household earning no more than 70% of median income. In averaging an affordability range of 55% for sales units, the municipal ordinance will require moderate income sales units to be available for at least two different prices and low income sales units to be available for at least two different prices; and~~
 - ~~7. For both owner occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and~~
 - ~~8. Low income units will be reserved for households with a gross household income less or equal to 50% of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-7.4(g); and~~
 - ~~9. The regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.~~
 - ~~e. For rental units, developers and/or municipal sponsors may:~~
 - ~~1. Establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and~~
 - ~~2. Gross rents, including an allowance for tenant paid utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(f). The tenant paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey; and~~
 - ~~3. The maximum rents of low and moderate income units within each inclusionary development will be affordable to households earning no more than 60% of median income. In averaging an affordability range of 52% for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low income unit and one rent for a moderate income unit for each bedroom distribution.~~
 - ~~f. For sale units:~~
 - ~~1. The initial price of a low and moderate income owner occupied for sale housing unit will~~

- be established so that after a down payment of 5%, the monthly principal, interest, homeowner and private mortgage insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed 28% of the eligible gross monthly income; and
2. ~~Master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at 100% of those paid by market purchasers. This percentage is consistent with the requirements of N.J.A.C. 5:93-7.4(e). Once established within the master deed, this percentage will not be amended without prior approval from COAH; and~~
 3. ~~The Borough will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3; and~~
 4. ~~The Borough will require a certificate of reoccupancy for any occupancy of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and~~
 5. ~~Municipal, State, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5—9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and~~
 6. ~~The continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and~~
 7. ~~Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and~~
 8. ~~The regulations detailed in N.J.A.C. 5:93-9.12—9.14 will be applicable to low and moderate income units that are for sale units.~~
- g. ~~In zoning for inclusionary developments the following is required:~~
1. ~~Low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):~~
- | Minimum % of Low/Moderate Income Units Completed | % of Market Housing Units Completed |
|---|--|
| 0 | 25 |
| 10 | 25 + 1 unit |
| 50 | 50 |
| 75 | 75 |
| 100 | 90 |
| | 100 |
2. ~~A design of inclusionary developments that integrates low and moderate income units with market units is encouraged as per N.J.A.C. 5:93-5.6(f). Developers of noninclusionary residential and nonresidential developments shall pay a development fee in accordance with subsection 22-3.14y of this chapter.~~
- h. ~~A development fee ordinance was approved by COAH and adopted by the Borough.~~
- i. ~~To provide assurances that low and moderate income units are created with controls on affordability over time and that low and moderate income households occupy these units, the Borough will designate Middletown Township with the responsibility of ensuring the affordability of sales and rental units created as part of the Borough's Mixed Use Overlay Zone over time. The Borough will also designate Middletown Township with the responsibility of ensuring the affordability of accessory units. Middletown Township will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).~~
1. ~~In addition, Middletown Township will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low and moderate income units; and~~
 2. ~~Newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years.~~

Middletown Township and the Borough will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred as Technical Appendix E as found in N.J.A.C. 5:93; and

3. ~~Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to 30 year controls on affordability. Middletown Township and the Borough will require that COAH's appropriate deed restriction and mortgage lien be applied to these units.~~

j. ~~Regarding rehabilitated units:~~

1. ~~Rehabilitated owner occupied single family housing units that are imposed to Code standard will be subject to affordability controls for at least six years; and~~

2. ~~Rehabilitated renter occupied housing units that are improved to Code standard will be subject to affordability controls for at least 10 years; and~~

3. ~~The Borough intends to use development fee revenues for the rehabilitation of housing units in accordance with the Borough's housing element and fair share plan. The rehabilitation schedule is shown below:~~

Borough of Rumson Housing Rehabilitation Funding Schedule			
	Year	Number of Rehabs	Funds Needed
1.	2004	8	\$80,000
2.	2005	4	\$40,000
3.	2006	4	\$40,000
4.	2007	4	\$40,000
5.	2008	4	\$40,000

k. ~~Regarding rental units:~~

1. ~~Newly constructed low and moderate income rental units will remain affordable to low and moderate income households for at least 30 years. Middletown Township and the Borough will require the deed restriction and lien and deed of easement as Technical Appendix H as found in N.J.A.C. 5:93; and~~

2. ~~Affordability controls in accessory units will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9); and~~

3. ~~Alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurances that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.8). Group homes for the developmentally disabled that have received capital funding from the New Jersey Division of Developmental Disabilities and where the terms of such grant are for 20 years and renewable at the end of the initial term shall be determined to have acceptable affordability controls in accordance with COAH's requirements and are eligible for rental bonus credits pursuant to COAH's regulations.~~

l. ~~Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost generating features from the Borough's land use ordinances. Accordingly, the Borough will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on certain affordable housing developments. The Borough will adhere to the components of N.J.A.C. 5:93-10.1-10.3.~~

§ 22-7.37 Outdoor Café through § 22-7.39 Basements/Cellars

No Change.

§ 22-8 DESIGN GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND SITE PLANS through § 22-12 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.

No Change.

Attachments:

Attachment 1 - Schedule Sign Reg through Attachment 8 - Schedule 5-4

No Change.

Attachment 8A – Schedule 5-4 AHO

Rumson Borough
Schedule 5-4 AHO
Maximum Permitted Lot and Building Coverage in Affordable Housing Overlay Districts
 Applies in the ROI-2, ROI-4, and FIIO Affordable Housing Overlay Districts.

Usable Lot Area (SF)		Lot Coverage (SF)		Building Coverage (SF)	
Greater Than (Column 1)	Less than or Equal to (Column 2)	Basis for Maximum Lot Coverage (Column 3)	Lot Coverage Added to Column 3 (Column 4)	Basis for Maximum Building Coverage (Column 5)	Building Coverage Added to Column 5 (Column 6)
-	5,000	-	0.700 X SF	-	0.230 X SF
5,000	10,000	3,500	0.600 X SF	1,150	0.220 X SF
10,000	70,000	6,500	0.500 X SF	2,250	0.195 X SF
70,000	150,000	36,500	0.400 X SF	13,950	0.165 x SF
150,000		68,500	0.300 X SF	27,150	0.120 X SF

- Notes:
1. If the lot does not contain unusable areas (see usable lot area definition), usable lot area will be the same as lot area.
- EXAMPLE:
1. Determine the USABLE LOT AREA range in which the subject lot falls. Ex. Subject lot has a usable lot area of 43,560 square feet (1 acre). The range in which it falls is the 10,000—70,000 square foot range (Row 4).
 2. Determine the basis for the maximum permitted lot (or building) coverage column 3 (or 5). Ex. Basis for maximum permitted lot coverage for lots with a usable lot area in the 10,000— 70,000 s.f. range is 6,500 square feet (2,250 square feet for building coverage.)
 3. Determine the number of square feet by which the usable lot area of the subject lot exceeds the lower limit of the range and multiply it by the factor in Column 4 for lot coverage (or column 6 for building coverage). Ex. 43,560 - 10,000 = 33,560 SF x 0.500 = 16,780 SF (lot coverage); 43,560 – 10,000 = 33,560 SF x 0.195 = 6,544 SF (building coverage).
 4. Add the basis for the maximum permitted lot (or building) coverage and the additional lot (or building) coverage permitted to find the total permitted lot (or building) coverage for the subject lot. Ex. 6,500 + 16,780 = 23,280 SF (lot coverage); 2,250 + 6,544 = 8,794 SF (building coverage).

Attachment 9 - Schedule 5-5

No Change.

Attachment 9A – Schedule 5-5 AHO

Rumson Borough
Schedule 5-5 AHO
Maximum Permitted Lot and Building Coverage in Affordable Housing Overlay Districts
Applies in the ROI-5 and MUMFO Affordable Housing Overlay Districts.

Usable Lot Area (SF)		Lot Coverage (SF)		Building Coverage (SF)	
Greater Than (Column 1)	Less than or Equal to (Column 2)	Basis for Maximum Lot Coverage (Column 3)	Lot Coverage Added to Column 3 (Column 4)	Basis for Maximum Building Coverage (Column 5)	Building Coverage Added to Column 5 (Column 6)
-	5,000	-	0.800 X SF	-	0.350 X SF
5,000	10,000	3,750	0.750 X SF	1,750	0.320 X SF
10,000	70,000	7,500	0.700 X SF	3,350	0.280 X SF
70,000	150,000	43,500	0.650 X SF	20,150	0.180 x SF
150,000		83,500	0.500 X SF	34,550	0.120 X SF

Notes:
1. If the lot does not contain unusable areas (see usable lot area definition), usable lot area will be the same as lot area.

- EXAMPLE:
- Determine the USABLE LOT AREA range in which the subject lot falls. Ex. Subject lot has a usable lot area of 43,560 square feet (1 acre). The range in which it falls is the 10,000—70,000 square foot range (Row 4).
 - Determine the basis for the maximum permitted lot (or building) coverage column 3 (or 5). Ex. Basis for maximum permitted lot coverage for lots with a usable lot area in the 10,000— 70,000 s.f. range is 7,500 square feet (3,350 square feet for building coverage.)
 - Determine the number of square feet by which the usable lot area of the subject lot exceeds the lower limit of the range and multiply it by the factor in Column 4 for lot coverage (or column 6 for building coverage). Ex. 43,560 - 10,000 = 33,560 SF x 0.700 = 23,492 SF (lot coverage); 43,560 – 10,000 = 33,560 SF x 0.280 = 9,397 SF (building coverage).
 - Add the basis for the maximum permitted lot (or building) coverage and the additional lot (or building) coverage permitted to find the total permitted lot (or building) coverage for the subject lot. Ex. 7,500 + 23,492 = 30,992 SF (lot coverage); 3,350 + 9,397 = 12,747 SF (building coverage).

Attachment 10 - Schedule 7-1 through Attachment 11 - Schedule 7-2

No Change.

Attachment 12 - Zoning Map

An updated Zoning Map is also part of this Ordinance introduction. This new map is not included in these minutes. However, it is available for public review at Rumson Borough Hall or on the Borough’s website. This Zoning Map will be included in the minutes of the Public Hearing when the Ordinance is adopted.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-017 D TO AMEND THE DEVELOPMENT CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII “DEVELOPMENT REGULATIONS” TO CREATE THE AH-1 CARTON STREET AFFORDABLE HOUSING ZONE IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

**AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND
CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE AH-1 –
CARTON STREET AFFORDABLE HOUSING ZONE**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Section 22-5 (Zoning District Regulations) Subsection 22-5.20 Carton Street Affordable Housing Zone (AH-1) as an additional zoning district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.20 Carton Street Affordable Housing Zone (AH-1) shall be added as follows:

22-5.20 Carton Street Affordable Housing Zone (AH-1)

2. Purpose: The AH-1 Zone is intended to provide for development of 100% affordable dwelling units. The AH-1 Zone shall provide for 10 family rental apartments and a 5-bedroom special and supportive needs unit.
- b. Location. The AH-1 Zone is applicable to Block 59, Lot 10 .
- c. Permitted uses. The following principal uses shall be permitted:
 2. Multi-family rental housing; and
 3. Supportive and Special needs housing.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear or side yard:
 - ix. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
 - x. Surface parking area and garages.
 - xi. Active and passive recreational amenities.
- e. Development Standards
 1. Minimum lot size is equal to the size of Block 59, Lot 10.
 2. Maximum height: 2 ½ stories or 40 feet
 3. Maximum building coverage: 30%
 4. Maximum Lot Coverage:_85%
 5. Minimum front yard setback: 20 feet
 6. Minimum side yard setback: 10 feet
 7. Minimum rear yard setback: 20 feet
 8. A minimum 10-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.
 9. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
 10. All refuse and recycling storage shall be fully enclosed and screened within a masonry refuse enclosure that is a minimum of 6 feet in height on all sides and shall contain façade materials that are consistent with the materials used for the principal structure.
 11. Compliance with Residential Site Improvement Standards (N.J.A.C. 5:21) is not required and if appropriate, the Planning Board may grant a de minimis exception.

12. Building Design.

- a. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the NB, GB and POB zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
- b. All HVAC and mechanical equipment shall be adequately screened from view.

13. Affordable Housing.

- h. The AH-1 Zone shall provide ten (10) affordable family rental units and one (1) five-bedroom supportive and special needs unit. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.
- i. The family rental affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units, unless otherwise agreed to by Fair Share Housing Center and Rumson in a court-approved writing. Said affordable housing will also comply with bedroom distribution requirements (unless otherwise agreed to by Fair Share Housing Center and Rumson in a court-approved writing), pricing and rent of units, affirmative marketing, at least 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the unit from such controls. Construction phasing with any market rate units developed on the tract is required by N.J.A.C. 5:93-5.6(d).
- j. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site affordable unit, in accordance with the Borough's affirmative marketing plan and applicable law, including the posting of all affordable units on the online New Jersey Housing Resource Center website, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

INTRODUCTION OF ORDINANCE #20-018 G TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXIII “AFFORDABLE HOUSING DEVELOPMENT” IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 15, 2020 AT 4:30 P.M.

The Municipal Clerk read the following ordinance by title only in first reading:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXIII AFFORDABLE HOUSING DEVELOPMENT

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXIII (Affordable Housing Development) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend Chapter XXIII (Affordable Housing Development) Section 23-3 *Applicability and Mandatory Set-Aside* by revising content, Section 23-25 *Residential Development Fees* to amend fees, and correct previous mis-numbering and an error, and Section 23-30 *Use of Funds* to correct a previous error.

Chapter XXIII (Affordable Housing Development) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is struck through and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter XXIII, Affordable Housing Development, shall be amended to as follows:

CHAPTER XXIII AFFORDABLE HOUSING DEVELOPMENT

23-1 Monitoring and Reporting Requirements through 23-2 Definitions.

No Change.

23-3 Applicability and Mandatory Set-Aside

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Rumson pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units and including any developments funded with low-income housing tax credits.

3. If the Borough permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, ~~at a gross residential density of 6 units to the acre or more~~, the Borough shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply beginning on January 14, 2020. Where applicable within the Borough, this requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project and including the conversion of a non-residential structure to a residential development, which development consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough’s Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

4. ~~For any such development for which the Borough’s land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of January 14, 2020, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Agreement.~~ Nothing in this ~~paragraph~~ Section precludes the Borough from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

5. For all inclusionary projects, regardless if they are for-sale or rental, ~~in which the low and moderate units are to be offered for sale~~, the appropriate affordable housing set-aside percentage is 20- twenty percent (20%); ~~for projects in which the low- and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent.~~

6. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

23-4 Alternative Living Arrangements through 23-24 Definitions

No Change.

23-25 Residential Development Fees

A. Imposition of Fees

1) No Change.

~~2) 1.5% of the increase in equalized assessed value (EAV) due to expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit, which results in a 10% or greater increase in floor area.~~

~~3) 1.5% of the increase in equalized assessed value (EAV) due to the construction, expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any accessory building.~~

~~2)~~ 4) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

1) No Change.

2) No Change.

~~3) Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started. For purpose of this section, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. "Substantial improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either: The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in less than a 10% increase in floor area shall be exempt. The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in greater than a 10% increase in floor area shall pay a development fee of 1.5% of the increase in equalized assessed value of the property.~~

~~(a)~~ 4) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are ~~solely~~ solely necessary to assure safe living conditions; or

~~(b)~~ 5) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

4) 6) Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.

5) 7) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

6) 8) Federal, state, county and local governments shall be exempted from paying a development fee.

7) 9) Homes replaced as a result of a natural disaster, fire or flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

23-26 Non-Residential Development Fees through 23-29 Affordable Housing Trust Fund

No Change.

23-30 Use of Funds

A. through B.

No Change.

C. At least 30 percent of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low-income households earning 30 percent or less of the regional median household income by household size for ~~Housing Region 2~~, Housing Region 4 in which Rumson is located.

1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

2) Affordability assistance to households earning 30 percent or less of the regional median household income by household size may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.

3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Rumson, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. through E.

No Change.

23-31 Monitoring through 23-32 Ongoing Collection of Fees

No Change.

SECTION 2.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3.

This ordinance shall take effect upon final passage and publication according to law.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

Mayor Hemphill stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 15, 2020 meeting of the Borough Council at 4:30 p.m.

At this time, Thomas Rogers thanked everyone for their hard work on these Ordinances, especially Mayor Hemphill, Councilman Conklin and Kendra Lelie for their efforts. He advised that once they have passed, they will be uploaded to the court system and will be part of the Borough's compliance hearing scheduled for February.

RESOLUTION 2020-1117-130 APPOINTING TONI ANN SALBERTA AS AN ADDITIONAL SCHOOL CROSSING GUARD FOR SCHOOL YEAR 2020-2021 EFFECTIVE NOVEMBER 9, 2020.

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson, through its Police Department, has the need for an additional Part-Time Regular Crossing Guard; and

BE IT RESOLVED that Toni Ann Salberta be appointed as a Regular School Crossing Guard for the 2020-2021 School Year effective November 9, 2020:

BE IT FURTHER RESOLVED that Regular School Crossing Guards shall be paid at a rate of \$31.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2020-1117-131 APPOINTING RECREATION CREW COACHES FOR THE SEASON EFFECTIVE OCTOBER 8, 2020.

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Rumson Recreation is in need of three (3) Coaches for the Recreation Crew Program; and

WHEREAS, it is the Recommendation of the Recreation Director to hire Andrew Hudson, Michael Shaw, and Ed Reilly as Coaches for the Recreation Crew Program; and

WHEREAS, the Recreation Commission has approved these appointments;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the appointments of Andrew Hudson, Michael Shaw, and Ed Reilly as Crew Coaches for the Recreation Crew Program effective October 8, 2020; and

BE IT FURTHER RESOLVED that the Crew Coaches be paid for the Recreation Crew Program as follows:

Head Coach	Andrew Hudson	\$24.00 PER HOUR
Assistant Coach	Michael Shaw	\$20.00 PER HOUR
Assistant Coach	Ed Reilly	\$20.00 PER HOUR

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2020-1117-132 APPOINTING PART TIME POLICE DISPATCHER SCOTT BEATTIE EFFECTIVE NOVEMBER 17, 2020.

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson through its Police Department has the need for a Part-time Police Dispatcher; and

WHEREAS, it is believed to be in the best interest of the Borough to employ said Part-time Police Dispatcher on an hourly basis; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Scott Beattie be hired as a Part-time Police Dispatcher at an hourly rate of \$14.50 effective November 17, 2020; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Payroll Clerk.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2020-1117-133 DETERMINING COMPLETION OF THE PIPING ROCK PARK IMPROVEMENTS – PHASE 1 PROJECT AND THE PIPING ROCK PARK IMPROVEMENTS PHASE 2 PROJECT AND THE SATISFACTION OF GRANT AGREEMENTS BY THE BOROUGH OF RUMSON.

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION DETERMINING COMPLETION OF THE PIPING ROCK PARK IMPROVEMENTS – PHASE 1 PROJECT AND THE PIPING ROCK PARK IMPROVEMENTS PHASE 2 PROJECT AND THE SATISFACTION OF GRANT AGREEMENTS BY THE BOROUGH OF RUMSON

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Borough of Rumson entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on July 29, 2015 that provided \$250,000.00 for Piping Rock Park Improvements – Phase 1 under Application No. 14-11 that required certain conditions be met by the Borough of Rumson prior to receipt of the aforesaid funds; and

WHEREAS, the Borough of Rumson entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on July 7, 2016 that provided \$137,000.00 for Piping Rock Park Improvements – Phase 2 under Application No. 15-13 that required certain conditions be met by the Borough of Rumson prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of “Final Change Order” adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the governing body of Borough of Rumson that all conditions of the July 29, 2015 and July 7, 2016 Grant Agreements have been satisfied by the Borough of Rumson and that the project has been completed; and

BE IT FURTHER RESOLVED that the Borough of Rumson made final payment to the contractor Precise Construction per the letter of the municipal engineer David M. Marks, P.E., of September 24, 2019 [Attached] and that payment was made per voucher [Attached] on September 24, 2019 under check no. 004782, which are hereby attached and also on file in the Municipal Clerk’s Office.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2020-1117-134 AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF MONMOUTH IN PARTICIPATION WITH THE SHREWSBURY RIVER AUTOMATED FLOOD WARNING SYSTEM.

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE COUNTY OF MONMOUTH FOR PARTICIPATION
IN THE SHREWSBURY RIVER AUTOMATED FLOOD WARNING SYSTEM

WHEREAS, over the years, the Shrewsbury River, including the portion locally referred to as the Navesink River, has been the source of flooding that has adversely affected the communities bordering the river; and

WHEREAS, the County of Monmouth has applied for a grant through the New Jersey State Police, Office of Emergency Management, to fund the installation of a Shrewsbury River Automated Flood Warning System (the “System”); and

WHEREAS, the County of Monmouth has proposed a Shared Services Agreement with the Borough of Rumson and other “Participating Municipalities” to establish and maintain the System, subject to the availability of the requested grant funding; and

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C. 40A:65-1, *et seq.*, local units, such as the County of Monmouth and the Participating Municipalities may enter into such an agreement; and

WHEREAS, a copy of the proposed Shared Services Agreement is attached to this resolution; and

WHEREAS, there will be a separate Project Agreement between the County and Monmouth University (“Monmouth”) and Stevens Institute of Technology (“Stevens”), whereby Monmouth and Stevens will assist with the project generally and, in particular, will gather and post the data so that it will be available electronically to the Participating Municipalities, the County and other appropriate parties.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Rumson that the Mayor, Municipal Clerk and OEM Coordinator be and they are hereby authorized to enter into the proposed Shared Services Agreement with the County of Monmouth for the Shrewsbury River Automated Flood Warning System.

BE IT FURTHER RESOLVED that there is no need for a certification of available funds for the initial period of the Agreement, that is, through one year from the Operational Date, since the Agreement is conditioned upon the availability of the requested grant funds for that period, payable by the County of Monmouth.

BE IT FURTHER RESOLVED that the expenditure of future funds required thereafter for the Borough of Rumson’s continued participation in the Agreement, shall be subject to the filing of a certification by the Chief Financial Officer, stating that funds are available in subsequent municipal budgets, in line item Monmouth County Shared Services Agreement Flood Warning System.

Councilman Rubin moved that the above Resolution be approved.

Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

**RESOLUTION 2020-1117-135 TEMPORARILY AUTHORIZING SIDEWALK SALES
IN THE BOROUGH OF RUMSON DUE TO COVID-19.**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION TEMPORARILY EXTENDING THE AUTHORIZATION OF
SIDEWALK SALES IN THE BOROUGH OF RUMSON DUE TO COVID-19**

WHEREAS, the extensive interactions that would occur from in-store retail operations continues to present a significant risk during the COVID-19 pandemic, and the restrictions on in-store operations for non-essential retail businesses cannot be lifted at this time; and

WHEREAS, Executive Order No. 142, signed by Governor Murphy on May 13, 2020, permits curbside pickup at non-essential retail businesses to avoid unnecessary contact between customers and staff in enclosed spaces, and instead allows for limited contact while allowing business to provide goods, while following CDC guidelines, including wearing face masks and gloves and providing for proper social distancing; and

WHEREAS, Rumson Businesses have requested permission to set up tables and merchandise in order to provide non-essential goods; and

WHEREAS, the Mayor and Council now wish to extend the eased regulations through March 31, 2021 or until the State lifts the bans, whichever happens first; and

WHEREAS, all temporary permits are subject to the successful approval of the Temporary Use Permit Application found through the Municipal Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Rumson, that retail businesses are hereby authorized to set up tables and merchandise based on the Borough's Emergency Declaration signed by Mayor Joseph K. Hemphill on March 20, 2020 for an extended period of time until March 31, 2021.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

**RESOLUTION 2020-1117-136 AUTHORIZING TEMPORARY OUTDOOR DINING
FOR EXISTING RUMSON FOOD AND BEVERAGE ESTABLISHMENTS.**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY OUTDOOR DINING FOR
EXISTING RUMSON FOOD AND BEVERAGE ESTABLISHMENTS**

WHEREAS, as a result of the COVID-19 Emergency, declared by the Governor beginning March 8, 2020, many local businesses have been forced to close in order to comply with the Governor's various Executive Orders establishing numerous safety standards and regulations intended to provide for greater public safety; and

WHEREAS, since that time, local businesses, including restaurants, have diligently complied with the requirement to close their doors and only offer takeout and delivery of food; and

WHEREAS, the result of these efforts have been a significant lowering of the rates of infection, so much so, that most closed businesses have been allowed re-open; and

WHEREAS, allowing temporary outdoor dining, provides an opportunity for our Borough restaurants and businesses to maintain their normal course of business, but in a safe and orderly way.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Rumson does hereby authorize and extension to the temporary allowance of onsite outdoor dining for restaurants and businesses within the Borough of Rumson, in accordance with the standards as outlined by the Zoning Officer; and

NOW, THEREFORE, BE IT RESOLVED, that this allowance and these standards originally expired on October 15, 2020 or seven (7) days after the end of the declared emergency or when the State of New Jersey permitted restaurants to open for indoor dining, whichever occurred first, unless extended by the Borough Council of the Borough of Rumson.

BE IT FURTHER RESOLVED, that this allowance and these standards have been extended by the Borough Council of the Borough of Rumson to March 31, 2021 or seven (7) days after the end of the declared emergency or when the State of New Jersey permits restaurants to open fully for indoor dining, whichever should occur first.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2020-1117-137 ADOPTING THE MONMOUTH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION ADOPTING THE MONMOUTH COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Borough of Rumson, New Jersey has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee and;

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were links also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the Borough of Rumson:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Rumson departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Rumson and this resolution shall not be interpreted so an to mandate any such appropriation.
4. The Borough of Rumson Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the Borough Administrator forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator, and Police Department, Department of Public Works, Fire Department and Emergency Medical Services.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

ANNOUNCEMENTS BY THE MAYOR:

Announcements by the Mayor:

1. Borough Hall will be closed on Thursday, November 26th and on Friday, November 27th for the Thanksgiving holiday. There will be no garbage collection on Thanksgiving Day, November 26th and collection will be on the next regular collection day. However, there **will** be garbage collection on the day after Thanksgiving, Friday, November 27th for those scheduled for Friday collection. Have a happy and safe Thanksgiving.
2. Please remember that the Borough prohibits all vehicles from parking overnight (prohibited 3:00 a.m. to 5:00 a.m.) on Borough streets starting December 1st and

continuing through March 31st. This is to allow for proper snow removal from our streets.

- 3. This year, the Borough’s Annual Christmas Tree Lighting event at Victory Park will be virtual. Our goal is to celebrate the holiday season, while doing our best to promote and support the health and safety of everyone within the Rumson community. More information on the virtual event will be announced in the coming weeks. While different, we look forward to a wonderful ceremony to kick-off our holiday season.
- 4. Hanukkah begins at sundown on Thursday, December 10th. I would like to wish all our Jewish residents and friends a Happy Hanukkah.
- 5. The employees of the Rumson Department of Public Works will be holding their Annual Toy Drive again this year. A *new, unwrapped* gift for a boy or girl can be dropped off at the Public Works Garage behind Borough Hall on Friday, December 11th from 3:00 p.m. to 6:00 p.m. and on Saturday, December 12th from 9:00 a.m. to 1:00 p.m. This year the toys will again be donated to the Family & Children’s Services in Long Branch and the Salvation Army in Red Bank. We ask that you help to make the DPW Annual Toy Drive a great success.
- 6. The next regular Borough Council meeting will be held on Tuesday, December 15th, 2020 at 4:30 p.m. instead of the regularly scheduled dates of December 8th and December 22th. This meeting will be virtual. A news release advising of this meeting date change has been sent to the Asbury Park Press and The Two River Times.
- 7. As a last minute announcement, our Borough Rabies Clinic has just been scheduled for Thursday, December 3rd at the Department of Public Works from 6:00-7:00 p.m. Participants will drive thru with their pet and the rabies shot will be given.

Finally, we have seen a significant increase in COVID-19 cases throughout Monmouth County, as well as in our community.

This week, leading into the Thanksgiving holiday, Governor Murphy has updated a number of Executive Orders focused on public gathering restrictions and social distancing guidelines.

All regular public meetings of the Borough Council, Borough Boards and Borough Commissions will remain remote and virtual until further notice. Information for all upcoming public meetings will be noticed on the Borough’s Website: WWW.RumsonNJ.GOV.

Please stay safe and please practice proper social distancing.

Thank you and Happy Thanksgiving.

FINANCIAL OFFICER’S REPORT:

The Financial Officer’s Report disclosed the following as of October 31, 2020:

BOROUGH OF RUMSON				
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL				
Analysis of Cash for the Month Ending:		October 31, 2020		
FUNDS	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	13,839,911.66	5,233,771.01	(10,438,892.20)	8,634,790.47
Change Funds	300.00			300.00
Investments Rumson BAN	3,398,388.00			3,398,388.00

Total Current Fund	17,238,599.66	5,233,771.01	(10,438,892.20)	12,033,478.47
2. CAPITAL FUND				-
Capital Fund Checking	4,933,959.70	0.00	(13,575.00)	4,920,384.70
Total Capital Fund	4,933,959.70	0.00	(13,575.00)	4,920,384.70
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	290,947.17	(290,947.17)	2,981.86
Payroll Agency	10,974.18	169,362.16	(169,362.16)	10,974.18
Total Payroll & Payroll Agency	13,956.04	460,309.33	(460,309.33)	13,956.04
4. TRUST FUNDS				
Trust Fund Checking	550,202.19	5,400.00	(8,547.00)	547,055.19
Unemployment Trust	78,159.14	791.09	0.00	78,950.23
Recreation Trust	341,788.04	1,600.00	(2,907.90)	340,480.14
C.O.A.H. Trust	2,459,307.02	58,389.39	(47,261.85)	2,470,434.56
Law Enforcement Trust Fund	453.32	0.31	0.00	453.63
LEAD (formerly DARE)	8,253.67	5.59	0.00	8,259.26
Cafeteria Plan	3,583.31	0.00	(474.70)	3,108.61
Animal Control Trust Fund	35,970.15	111.00	(667.60)	35,413.55
Total Trust Funds	3,477,716.84	66,297.38	(59,859.05)	3,484,155.17
TOTAL ALL FUNDS	25,664,232.24	5,760,377.72	(10,972,635.58)	20,451,974.38

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilman Casazza, seconded by Council President Atwell, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Casazza offered the following Resolution and moved its adoption:

Vendor	Amount
ABBEY GLEN	\$ 187.60
NJ DEPT HEALTH/SR SERVICES	\$ 12.00
RED BANK VETERINARY HOSPITAL	\$ 78.00
<i>ANIMAL CONTROL FUND</i>	<i>\$ 277.60</i>
GEN-EL SAFETY & INDUSTRIAL	\$ 17,035.09
T & M ASSOCIATES	\$ 498.00
T & M ASSOCIATES	\$ 745.50
T & M ASSOCIATES	\$ 16,530.06
T & M ASSOCIATES	\$ 22,890.47

<i>CAPITAL FUND</i>	\$	57,699.12
FAIR SHARE HOUSING CENTER, INC	\$	31,000.00
KYLE MCMANUS ASSOCIATES LLC	\$	1,562.00
<i>COAH TRUST FUND</i>	\$	32,562.00
ATLANTIC COAST FIBERS, LLC	\$	6,907.35
BAYSHORE FIRE & SAFETY LLC	\$	108.00
B&H PHOTO & ELECTRONICS CORP	\$	309.68
CONNER STRONG & BUCKELEW	\$	16,261.00
MONMOUTH COUNTY TREASURER	\$	2,420,423.69
MONMOUTH COUNTY TREASURER	\$	178,936.56
MONMOUTH COUNTY TREASURER	\$	285,471.65
CROSS OVER NETWORKS	\$	937.45
CROSS OVER NETWORKS	\$	1,543.70
EAST COAST ENERGY PRODUCTS	\$	71.70
FASTENAL CO	\$	318.42
INSTITUTE FOR PROFESSIONAL DEV	\$	50.00
JCP&L	\$	3,758.61
JCP&L	\$	7,469.45
MICHELE A MACPHERSON	\$	120.00
NJ NATURAL GAS CO.	\$	243.54
RICOH USA, INC.	\$	508.65
RUMSON ELEMENTARY SCHOOL DIST	\$	3,730,612.16
RFH REGIONAL HIGH SCHOOL	\$	2,973,777.08
SIP'S PAINT & HARDWARE	\$	160.81
MICHAEL B STEIB, PA	\$	299.00
SUBURBAN DISPOSAL INC.,	\$	40,916.66
SUBURBAN DISPOSAL INC.,	\$	23,434.71
TARGETED TECHNOLOGIES LLC	\$	2,830.76
TARGETED TECHNOLOGIES LLC	\$	414.00
LAURA TOOKER	\$	162.98
UNITED STATES POSTAGE SERVICE	\$	7,000.00
VERIZON	\$	54.05
VERIZON	\$	377.43
VERIZON WIRELESS	\$	471.52
VERIZON BUSINESS FIOS	\$	144.99
WAGeworks	\$	100.00
WARSHAUER ELECTRIC SUPPLY	\$	187.50
WB MASON COMPANY, INC	\$	171.91
A ABSOLUTE ESCROW SETTLEMENT	\$	10,811.29
AMERICAN RED CROSS	\$	1,050.00
ATLANTIC PLUMBING SUPPLY CORP	\$	68.90
ATLANTIC PLUMBING SUPPLY CORP	\$	192.00
BARGER & GAINES	\$	2,000.00
BAYSHORE FIRE & SAFETY LLC	\$	110.00
BAYSHORE FIRE & SAFETY LLC	\$	94.00
BUILDERS GENERAL SUPPLY CO	\$	65.71
BUTCH'S AUTO. CAR WASH, INC.	\$	28.50
JOAN CAMBRIA	\$	300.00
CHEYENNE MANUFACTURING, INC.	\$	539.00
CIRCLE CHEVROLET INC	\$	56.25
COMCAST	\$	2,164.37

CROSS OVER NETWORKS	\$	937.45
DELTA DENTAL OF NEW JERSEY INC	\$	4,102.73
DIRECT ENERGY BUSINESS	\$	118.83
EDWARDS TIRE CO INC	\$	422.72
ENVIRONMENTAL SYSTEMS	\$	2,349.30
FASTENAL CO	\$	201.77
GLENCO SUPPLY INC.	\$	281.00
GLENCO SUPPLY INC.	\$	460.00
GLENCO SUPPLY INC.	\$	350.00
WW GRAINGER INC	\$	306.32
HYDRAIR POWER CRIMP LLC	\$	46.78
HYDRAIR POWER CRIMP LLC	\$	84.79
INSTITUTE FOR PROFESSIONAL DEV	\$	50.00
INSTITUTE FOR PROFESSIONAL DEV	\$	50.00
INTERSTATE BATTERY	\$	91.95
JCP&L	\$	7,782.05
KENCOR INC.	\$	5,465.50
LANGUAGE LINE SERVICES,INC	\$	5.12
MARIA LAPLACA	\$	3,254.28
BEN LUCARELLI, MAYOR	\$	100.00
MICHELE A MACPHERSON	\$	120.00
MAZZA RECYCLING SERVICES, LTD	\$	742.22
MAZZA RECYCLING SERVICES, LTD	\$	2,285.84
MAZZA MULCH,INC	\$	12,600.00
MERIDIAN OCCUPATIONAL HEALTH	\$	405.00
MID-ATLANTIC TRUCK CENTRE INC	\$	716.17
TREASURER, COUNTY OF MONMOUTH	\$	37.43
MONMOUTH TRUCK EQUIPMENT	\$	260.00
MONMOUTH COUNTY TAX ADMIN.	\$	1,006.25
MONMOUTH SPRINKLER CO INC	\$	370.00
MONMOUTH COUNTY TREASURER	\$	500.00
MONMOUTH WIRE & COMP. RECYCLE	\$	150.00
MORTGAGE CONNECT, LP	\$	6,939.52
MR JOHN INC	\$	584.35
NAJARIAN ASSOCIATES	\$	3,085.35
NAJARIAN ASSOCIATES	\$	1,352.40
NATIONAL CENTER FOR SAFETY	\$	20.50
NAYLOR'S AUTO PARTS	\$	225.47
NAYLOR'S AUTO PARTS	\$	19.76
NAYLOR'S AUTO PARTS	\$	38.00
NEW JERSEY AMERICAN WATER	\$	9,568.00
NEW JERSEY AMERICAN WATER	\$	6,202.35
NEXVORTEX, INC	\$	459.06
NJ NATURAL GAS CO.	\$	616.39
NJ LEAGUE OF MUNICIPALITIES	\$	110.00
STATE OF NJ PENSIONS/ACTIVE	\$	88,074.69
STATE OF NJ PENSIONS/RETIREE	\$	31,248.52
ONE CALL CONCEPTS	\$	257.73
PENGUIN MANAGEMENT,INC	\$	1,548.00
PEP BOYS	\$	234.65
PEP BOYS	\$	109.95
POWERHOUSE SIGNWORKS	\$	45.00
PREMIER GRAPHICS,INC	\$	960.00

PREMIER GRAPHICS,INC	\$	50.00
PRO CRAFT AUTO BODY	\$	2,703.55
PROPERTY TRANSFER SERVICES	\$	3,030.52
QUADIENT,INC	\$	192.60
QUALITY TITLE & ABSTRACT	\$	6,512.05
REPUBLIC SERVICES of NJ, LLC	\$	2,253.70
RESIDENTIAL FLAG POLES	\$	485.00
RICOH USA, INC.	\$	45.00
RICK BRODSKY, ESQ &	\$	6,070.19
THOMAS S ROGERS	\$	261.55
THOMAS S ROGERS	\$	823.29
THOMAS S ROGERS	\$	29.99
THOMAS S ROGERS	\$	35.08
RYSER'S LANDSCAPE SUPPLY YARD	\$	242.54
SANITATION EQUIPMENT CORP	\$	58.96
SEABOARD WELDING SUPPLY, INC	\$	52.00
SIP'S PAINT & HARDWARE	\$	109.99
SIP'S PAINT & HARDWARE	\$	39.54
STAPLES,INC	\$	61.99
STAVOLA ASPHALT CO. INC.	\$	135.86
STAVOLA ASPHALT CO. INC.	\$	128.47
MICHAEL B STEIB, PA	\$	949.00
SUBURBAN DISPOSAL INC.,	\$	40,916.66
SUBURBAN DISPOSAL INC.,	\$	26,084.09
SURENIAN,EDWARDS & NOLAN LLC	\$	2,952.75
TARGETED TECHNOLOGIES LLC	\$	2,705.76
TARGETED TECHNOLOGIES LLC	\$	414.00
MONMOUTH COUNTY TREASURER	\$	1,500.00
THE TWO RIVER TIMES	\$	14.88
THE TWO RIVER TIMES	\$	10.85
V. E. RALPH & SON	\$	119.40
VERIZON	\$	61.36
VERIZON WIRELESS	\$	101.66
VERIZON BUSINESS FIOS	\$	144.99
GEORGE WALL LINCOLN	\$	1,128.14
GEORGE WALL LINCOLN	\$	234.86
WATCHUNG SPRING WATER CO.	\$	39.45
WB MASON COMPANY,INC	\$	305.88
WB MASON COMPANY,INC	\$	54.87
WB MASON COMPANY,INC	\$	49.98
MARK WELLNER	\$	39.79
YORKANIS & WHITE, INC	\$	970.00
ZEP SALES & SERVICE	\$	800.95
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<i>CURRENT FUND</i>	<i>\$</i>	<i>10,022,309.41</i>
HOLMAN FRENIA ALLISON, PC	\$	1,500.00
US POSTAL SERVICE	\$	134.00
BARTLETT TREE EXPERTS	\$	145.00
BARGER & GAINES	\$	30.50
LAWN DOCTOR	\$	512.05
LEGALIZED GAMES OF CHANCE	\$	100.00
SICILIANO LANDSCAPE CO LLC	\$	500.00
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<i>RUMSON ENDOWMENT FUND INC</i>	<i>\$</i>	<i>2,921.55</i>

CRAZEE JOHN'S INC	\$	490.50
ORIENTAL TRADING COMPANY, INC.	\$	1,196.76
ORIENTAL TRADING COMPANY, INC.	\$	345.89
ATHLETE'S ALLEY	\$	390.20
LAURA ATWELL	\$	71.96
JAYNE KERRY CHANDLER	\$	71.96
DAVID E IWAN	\$	495.00
LEAGUE APPS	\$	24.00
ORIENTAL TRADING COMPANY, INC.	\$	308.01
SALT CREEK GRILLE	\$	100.00
SEASHORE AMUSEMENTS,INC	\$	695.00
UNDICI TAVERNA RUSTICA	\$	100.00
VAL'S TAVERN	\$	100.00
<i>RECREATION TRUST</i>	\$	4,389.28
MICHAEL B STEIB, PA	\$	1,547.00
MICHAEL B STEIB, PA	\$	377.00
T & M ASSOCIATES	\$	812.25
<i>TRUST</i>	\$	2,736.25
<i>Animal Control Fund</i>	\$	277.60
<i>Capital Fund</i>	\$	57,699.12
<i>COAH Trust Fund</i>	\$	32,562.00
<i>Current Fund</i>	\$	10,022,309.41
<i>Rumson Endowment Fund, Inc.</i>	\$	2,921.55
<i>Recreation Trust</i>	\$	4,389.28
<i>Trust</i>	\$	2,736.25
<i>Total of All Funds</i>	\$	<i>10,122,895.21</i>

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one spoke.

COMMENTS FROM THE PUBLIC:

The Mayor shared the following statement:

Welcome, Everyone.

If you have a general question concerning Affordable Housing, or the overall Affordable Housing Program in Rumson, Kendra Lelie, the Borough’s Planner, is attending today’s meeting and will answer your questions. All the Ordinances introduced today will be posted on the Borough’s website in the next day or two for your review. As we explained earlier during the

Ordinance introductions, the Public Meeting for the new Ordinances will be held on Dec 15th at 4:30 pm. The Borough's Affordable Housing Compliance Hearing, with Judge Jones, has been pushed back from December 1st to February 9th. Further information regarding the Borough's Affordable Housing Plan can be found on the Borough's website on the Affordable Housing page.

At this time, Municipal Clerk/Administrator Thomas Rogers added that the introduced Ordinances that are scheduled for hearing on December 15th are all in line with the public meeting that was held on January 14th of this year at Forrestdale School. These Ordinances are also in line with the settlement agreements and the fairness hearing.

Mr. Rogers then read the instructions for anyone wishing to make public comments on the virtual call.

No one spoke at this time.

Mayor Hemphill thanked everyone for joining the meeting this afternoon and shared that the next meeting will be held December 15th at 4:30 p.m.

He then wished everyone a Happy Thanksgiving.

ADJOURNMENT:

Councilman Rubin made a motion to adjourn the meeting which was seconded by Council President Atwell. The meeting adjourned at 4:53 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator